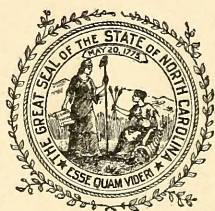


CIVIL GOVERNMENT

SIDNEY A. FINGER

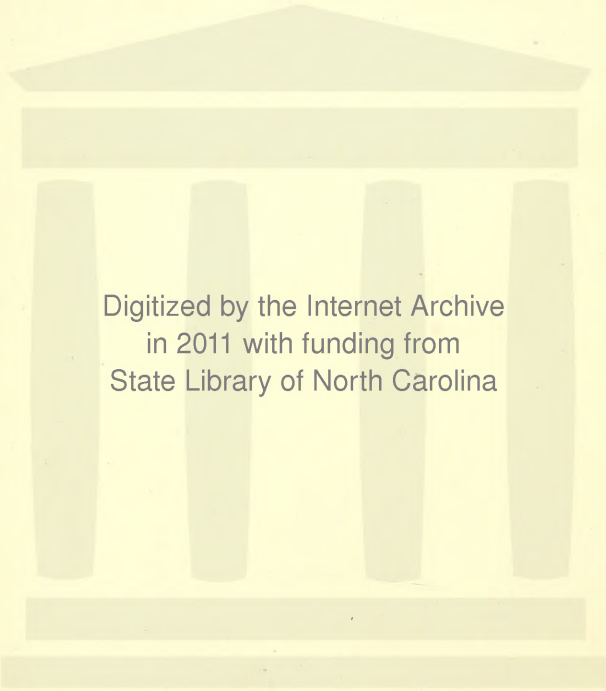
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CIVIL GOVERNMENT

IN

NORTH CAROLINA AND THE UNITED STATES

A SCHOOL MANUAL AND HISTORY

BY

SIDNEY M. FINGER

EX-SUPERINTENDENT OF PUBLIC INSTRUCTION
OF NORTH CAROLINA



NEW YORK AND NEW ORLEANS
UNIVERSITY PUBLISHING COMPANY

1900

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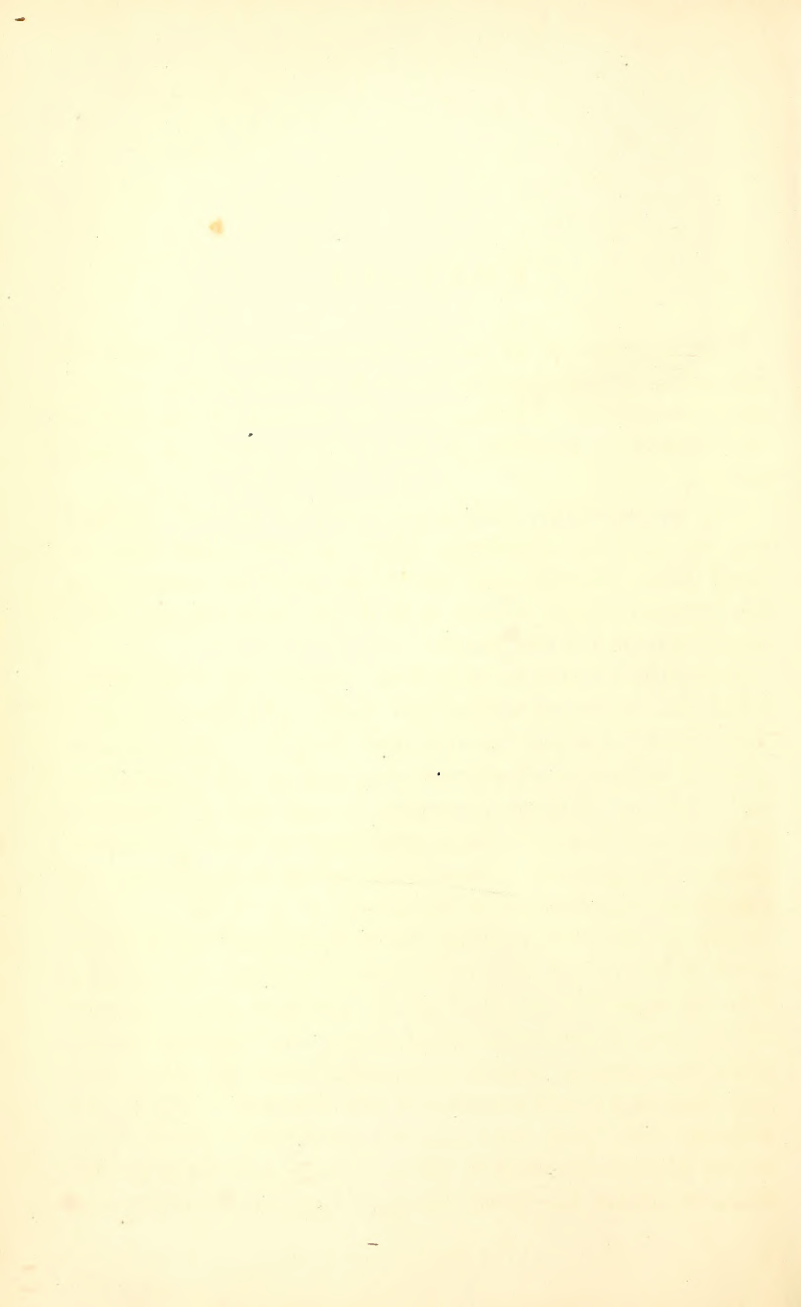
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Press of J. J. Little & Co.
Astor Place, New York

TO THE
PEOPLE OF NORTH CAROLINA
AND PARTICULARLY
TO THE BOYS AND GIRLS OF THE STATE
AND
THE TEACHERS

WHO ARE OR MAY BE ENGAGED IN TRAINING THEM
FOR THE DUTIES OF CITIZENSHIP ; IN THE HOPE
THAT IT WILL BE A HELP TO THE PROPER UNDER-
STANDING AND APPRECIATION OF THE ADVANTAGES
AND BLESSINGS OF OUR GOVERNMENT IN STATE AND
NATION, THIS BOOK IS RESPECTFULLY DEDICATED.

SIDNEY M. FINGER



P R E F A C E .

THE importance of civil government as a branch of education in our common schools is now almost universally recognized. In many of the States of our Union the subject is included in the regular course of school studies.

The necessity for such a provision in our educational system must be apparent, when we remember that to make good citizens, and, therefore, good government, is the primary object of our State Constitution in prescribing education for the people.

It is evident that to be a good citizen one must know what the duties, as well as the rights, of citizenship are. This knowledge can be obtained only by a study of the general principles of government, and of the application and working of those principles in our own government in State and Nation. Such study can be most profitably made at the school. Lessons imparted in youth leave a permanent impression on the mind.

The necessity for making the principles of our government a subject of school study will appear still greater when it is considered, that we do not find in the people of the present generation that ardent love for our republican institutions which was manifested by the men who fought for and established our freedom. While the patriots who took part in the Revolution lived, they talked at their firesides to their children and their grandchildren about the great struggle for independence, and

about the hardships they and their fathers suffered under tyrannical government. In those days the events of the struggle were fresh in the recollection of the people. They are less talked of, and perhaps less appreciated, in our time.

The information essential to good citizenship and to the maintenance of a spirit of patriotism, which was communicated by the participants in the Revolutionary struggle, must now be communicated by others. Under the conditions of life in our day, under the burdens and cares of business seldom relaxed, this can be properly done only in the school-room. Upon the teachers devolves the task which the parents do not usually perform.

This book is intended to be an aid to teachers in the performance of that important task. It is prepared specially for the schools of North Carolina. The author has endeavored to present the principles, and to explain and illustrate the system, of our State and National governments, in language clear and simple enough to be easily understood by school pupils. He hopes he has succeeded.

The book contains some useful features which, so far as the author is aware, are not to be found in other works on the subject. One of those features is the "Derivation and Explanation of Terms." A book on government must necessarily contain a number of technical terms, the application of which pupils of common schools cannot be expected to have acquired a knowledge of in their ordinary studies. The technical terms which occur in this work are explained generally at the head of the chapter in which they first occur. The words from foreign languages are placed in parentheses, and will be used by pupils of proper advancement. It is hoped that the explanations in English of technical words, and the text itself, adapt the book to the use of pupils of fourth or fifth

grade, and to any person who has a fair knowledge of the English language. The author expects it to be useful to the general reader as well as to the pupils. Numerous useful explanations of political and legal phrases and expressions are interspersed through the text in small-type paragraphs.

The author believes that the "Topics for Examination and Review" at the end of each chapter will be recognized as a useful feature. In these reviews the substance of each chapter is briefly recited, so as to serve not only as a help to the memory of the pupil, but as material for question by the teacher. The teacher should be the best judge as to the form in which to put the questions.

In the order of the parts of the book, precedence is given to "Government in North Carolina," not because the subject is deemed of higher importance than "Government in the United States," but because it is of more direct and immediate interest to those for whose use the book is specially designed, and because the author understands that this plan presents the natural and historical development of our government.

For valuable help in the preparation of this work, the author returns thanks to Hon. James E. Shepherd, Chief Justice, Raleigh, N.C.; Judge M. L. McCorkle and Hon. L. L. Witherspoon, Newton, N.C.; and to Mr. C. L. Patton, of the University Publishing Company, New York.

S. M. F.

NEWTON, N.C., *November*. 1894.

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NOTE FOR TEACHERS.

At the head of each chapter will be found "Derivation and Explanation of Terms." The pupil will find this much more convenient than to go to his dictionary for these technical words, any one of which can also be found whenever desired by turning to the Alphabetical Index at the end of the Appendix.

The teacher is advised not to require the pupil to commit to memory the definitions before he proceeds with the text, but to see that he gets the meaning of the words by reference to these definitions when he shall first have use for them.

The "Derivation" of the words is placed in parentheses; attention to it will not be required unless the pupil has sufficient advancement to understand it. Of this the teacher must be the judge.

The book is prepared for use not only by pupils of the fourth and fifth grades, who may take it along with or instead of the usual readers of these grades, but also by more advanced pupils. Too much time is frequently spent on the higher school readers, to the neglect of such studies as this, from which the pupils can get more useful and practical information, and at the same time learn to read well.

CIVIL GOVERNMENT.

PART I.

GENERAL IDEA OF CIVIL GOVERNMENT.

CHAPTER I.

WHAT GOVERNMENT MEANS.—ITS OBJECT AND NECESSITY.—

ILLUSTRATION.—DUTY OF SUPPORTING GOVERNMENT.

DERIVATION AND EXPLANATION OF TERMS.

Civil. (Latin *civis*, a citizen, a freeman.) Relating to citizens or the people of a state.

Civilization. (Same derivation as *civil*.) The condition of a people united in a society or state having an organized system of government.

Community. (Latin *con*, together, and *munus*, service or work.) The whole people of a city, state, or country.

Government. (Latin *gubernare*, to steer, as a ship.) The ruling of a community; also, the person or persons by whom a country is ruled.

Revenue. (Latin *re*, back, and *venire*, to come.) Income; what

comes back from an investment; the income of a government as the proceeds of taxation.

State. (Latin *status*, a standing.) The whole body of people united, or *standing* together, under one government. The people of any country having a separate government are a state.

Taxes. (Greek *taxis*, a tribute.) The money paid by the people for the support of government.

Treasury. (Greek *thesauros*, a storehouse; riches stored up.) A place in which public moneys are deposited for safe keeping; the department of government which receives and disburses public money.

1. WHAT GOVERNMENT MEANS.—Government, in its literal signification, means the art of directing or controlling,

as a pilot or captain directs and controls the movements of a ship. In its general signification the word means the exercise of authority; and it may also mean the person or persons by whom authority is exercised.

2. The idea of government is well illustrated in the family and in the school. Children at their homes may not always do as they please. They are under the control of their parents. This is **family government**. At school children are under the control of their teachers. This is **school government**.

3. When children come of age, and leave home and school, they are no longer under the control of their parents or teachers, but they still find that they are not free to do whatever they please. In the city, or state, or country, in which they live, they find that there are laws which they must obey, and that there are public officers who have authority and power to punish those who violate those laws. This is **civil government**.

4. DUTIES OF AND NECESSITY FOR GOVERNMENT.—The principal duty of government is to protect life and property; that is, to maintain peace and order. The necessity of government arises from the fact that in every community there are bad men whom nothing but the **fear of punishment** can deter from doing wrong to their neighbors. Government is necessary to prevent the evil-disposed from injuring others in their persons or property.

If there were no government there would be no laws, nor judges, nor police, nor jails, and without these there would be no punishment to restrain evil men from the commission of crime. How unsafe would a man's **home and family** be if he had no protection nor defence against violence except his own physical strength! How sleepless would be his nights, no matter how strong his doors and locks!

In a country without government there could be but little industry or accumulation of property. No man would work or engage in business if he were not sure that he might peacefully possess and enjoy the fruits of his labor or enterprise. Without government, society could not continue to exist in a civilized condition.

Civilization necessarily includes the idea of government. Among savage tribes there is no organized system of protection for human life. The safety of every man's life depends upon his own ability to defend it. There is no industry except hunting or fishing. There is no accumulation of property beyond the food required for a few days. There is no provision against sickness or old age. This would be the condition in every country if there were no government.

5. AN ILLUSTRATION FROM ROBINSON CRUSOE.—The necessity for government, as well as its origin and growth, is well illustrated in "*the story of Robinson Crusoe*." This admirable book is widely read and enjoyed, but it is, perhaps, not so fully appreciated as it deserves to be for its valuable lessons on the subject of government.

The restless spirit of Crusoe led him away from civilized life. He was shipwrecked and cast, the sole survivor, upon an uninhabited island. As there was no other human being on the island, it belonged to him by right of undisputed possession. There was no one to govern him, nor was there any one for him to govern except his dog, his cats, his goats, his parrot, and other beings of a lower order of existence than himself. There was no government, for there was no need of government.

Crusoe was terrified when, after some years of solitary residence on the island, he saw the print of a human foot in the sand. What was the reason for his terror? He knew it was not the print of his own foot. It was, there-

fore, certain that there were human beings not far away who might interfere with his rights or endanger his life. Later he discovered that cannibals sometimes visited the island. After the man Friday was saved from death, he became Crusoe's faithful slave. Crusoe's word was law for him. This was the **beginning of government** on the island.

When the Spaniard and Friday's father were added to the household, Crusoe's word was still the law, but there was some **consultation** and **coöperation** among the members of the small community. The four persons **acted together** for the protection of their lives and property, which were threatened by the savages.

After Crusoe's departure the Spaniard became governor. Soon the community was increased by the arrival of persons who were not savages. Some of the new-comers were very bad men. They destroyed the property and threatened the lives of their neighbors. The danger then was not from the cannibals, but from evil-disposed members of the island community itself. To restrain the bad men from injuring the others, punishment was necessary, and to administer punishment the governor required the coöperation and support of the honest members of the community. This was **civil government**.

A point of special importance in the illustration from Robinson Crusoe is, that **union of effort** was necessary to protect the lives and property of the residents on the island. No one good man could have defended himself against the many bad men. Civil government is a union of effort to protect honest men against the dishonest and vicious.

6. THE DUTY OF SUPPORTING GOVERNMENT.—Government being necessary, and for the good of all, it is the duty of all to support it. The officials of government must be paid for their time and services. Buildings and

other requisites for the carrying on of the work of government, in its numerous details, must be provided and maintained.

The money necessary for these purposes must in some way be provided. It can be had only from the people. In every country which has a government every citizen is compelled by law to contribute towards its support. Such contributions are called **taxes**, and the taxes paid into the public treasury constitute the **revenue** of the government.

In different countries there are different systems of taxation, but everywhere the general principle is the same, viz., that government being the concern of all, all ought to be compelled to support it. How taxes are levied in our own country and State, is explained elsewhere in this book.

TOPICS FOR EXAMINATION AND REVIEW.

1. What government means. The **exercise of authority**. The person or persons who rule.
2. Family government. School government.
3. Laws in every community that must be obeyed. Civil government.
4. Government necessary to **protect life and property** against bad men. If there were no government there would be no safety, **no industry, no society**. Civilization implies government.
5. Robinson Crusoe. Government required **when more than one lived on the island**. Defence against the savages. Protection against the bad members of the community. Union of effort needed.
6. Government is **for the benefit of all**; therefore, it must be supported by all. Taxes and revenue. Everybody must pay taxes.

CHAPTER II.

FORMS OF GOVERNMENT.—THE REPRESENTATIVE SYSTEM.

DERIVATION AND EXPLANATION OF TERMS.

Cabinet. (*Cabin*, a small room or private apartment.) The council or advisers of a king, or of the head of a state.

Constitution. (Latin *con*, together, and *statuere*, to set, place, or establish.) Something that is established, as laws; the fundamental laws or principles upon which the government of a country is established (*set*).

Democracy. (Greek *demos*, the people, and *kratein*, to rule.) Government by the people.

Despotic. (Greek *despotes*, a master or lord.) Having power unlimited by law.

Emperor. (Latin *imperator*, a commander.) The supreme ruler of an empire. An *empire* usually includes several states or countries, each having a distinct nationality and government administration. A *kingdom* is one nation, of which the supreme ruler is a king or queen.

Hereditary. (Latin *haeres*, an heir.) Hereditary right or estate is a right, or an estate which comes to a person from his forefathers.

Legislature. (Latin *lex*, a law, and *latus*, given.) The body, or assembly, of persons who make the laws of a country. In Great Britain the legislature is called *parliament*. This word is derived from the French *parler*, to speak.

Majority. (Latin *major*, greater.) The majority is the greater number of any body or assemblage; thus, of an assemblage or meeting composed of one hundred persons, a majority would be any number more than fifty, and any number of such assemblage less than fifty would be a *minority*. This word is derived from the Latin *minor*, less.

Monarch. (Greek *monos*, alone, and *archein*, to rule.) A supreme ruler who possesses undivided power or authority.

Office. (Latin *officium*, duty, employment.) In a political sense, an employment under government.

Republic. (Latin *res*, a thing, an affair, and *publica*, public.) A state or country in which supreme political power is exercised

by the people through elected representatives.

Sovereign. (French *souverain*, sovereign.) Superior in power to all others.

Subject. (Latin *subjectus*, lying under.) One who is under the authority of a sovereign. In a country having a monarchical government every person except

the monarch is a *subject*. In a republic there are no *subjects*. Every person is equal in rank and right before the law.

Throne. (Greek *thronos*, a chair of state.) A monarch's chair of state. The word is used figuratively to mean the office or power of a monarch. The word *crown* is also used in the same sense.

7. FORMS OF GOVERNMENT.—Governments have been established on many different plans. The forms of government existing in the world to-day may be classed under two general designations—the monarchical system and the republican system.

8. THE MONARCHICAL SYSTEM.—A monarchy is a government in which supreme authority is vested in one person (a monarch), who is usually called king, emperor, or sovereign. The king is not elected. He holds office for life, and when he dies his son or heir becomes sovereign by hereditary right.

The oldest son of a king succeeds his father by **right of birth**. If there is no son, the eldest daughter succeeds, except in some countries where females are excluded from the throne. If there is no daughter nor son, the crown devolves on the nearest blood-relation.

9. TWO FORMS OF MONARCHY.—There are two kinds of monarchy—absolute or despotic, and limited or constitutional.

In the **absolute or despotic monarchy** there is no law-making body. The will of the sovereign is the only law. At his pleasure, and with or without cause, the absolute monarch may imprison or put to death any of his subjects. At his pleasure he appoints such officers as he may require to assist him in governing, and when he pleases he may dismiss them from office.

A limited or constitutional monarchy is a monarchy in which the power of the sovereign is limited by a constitution and by laws. In a constitutional monarchy the king must rule in accordance with the laws, and in the exercise of his authority he must act on the advice of his cabinet, which is composed of public officers, who are responsible to the people, and who may be dismissed from office through a vote of the people's representatives in the parliament or legislature.

The governments of Russia, Turkey, and many countries in Asia, are absolute monarchies. Most of the governments of Europe are constitutional monarchies.

10. THE REPUBLICAN SYSTEM.—Republican government is government by the people through authorized representatives. In a republic no man rules by a right of birth. There is no sovereign. There are **no subjects**. All men are of equal rank before the law. The laws are made by persons elected for that purpose by the people, and the laws are administered and executed by officers, some of whom are elected by the people, and some appointed by officers who have been elected by the people.

11. THE IDEA OF REPRESENTATION.—Republican government is government by the people, but in large communities all the people cannot come together to express their opinions or wishes on questions of government. For example, it would be extremely inconvenient, if not practically impossible, for all the people of the United States, or of any of our States, to meet in any one place to vote on proposed laws, or improvements in the laws. In a progressive country like ours new laws are constantly being made, or old ones improved. Though it were possible for all the people to come together to make laws, there could be no proper discussion, or wise

deliberation, in so vast an assembly. The **necessity for the representative system** is, therefore, evident. Instead of all coming together, the people in their several districts elect persons as their representatives, and these representatives meet at the capital of the country or State to make laws, and transact other public business which may be assigned to them.

In some of the states of ancient Greece proposed laws were voted on at assemblages of all the people who were recognized as citizens. This was called **pure democracy**. But the citizen population of any one of those states was probably less than the population of a small American county of the present day.

12. MAJORITY RULE.—Representative government is based on the principle of majority rule. Where all men have equal rights in public affairs, the only practicable way of peacefully settling controversies on public questions is to take a vote upon them, and let the will of the majority prevail. If ten men had been cast on the island with Crusoe, the first thing they would have done would have been to consider how best to provide for their common protection. In such a case, so long as there were no differences of opinion among the eleven, there would be no difficulty. But one might propose something to which the others might object as, in their opinion, bad for the common interest. If the one should refuse to yield to the will of the others, force would have to be employed. The ten, being physically a greater power than the one, could compel him to submit, for they could imprison him or put him to death. But instead of a minority of one there might be a minority of five. In such case, the two parties being so nearly equal in number, a physical force conflict might result in much loss of life.

But if the eleven men, at the outset of their conference,

had bound themselves to an agreement or compact that the majority should rule; that is, that the opinion or will of the greater number should, after discussion, be submitted to by all, there could have been no need of resort to physical force. Such a compact is the **basis of the republican form of government**. It is embodied in a written constitution upon which republics are usually established.

TOPICS FOR EXAMINATION AND REVIEW.

7. Forms of government: **monarchical, republican.**
8. Monarchy. Supreme authority vested in one person.
9. Two forms of monarchy. Absolute or despotic, limited or constitutional. In the absolute or despotic, no law but the will of the sovereign. In the limited or constitutional, the sovereign must rule according to law.
10. The republican system. Government by elected representatives of the people.
11. Idea of **representation**. All the people cannot come together to make laws. Hence the people delegate that power to representatives elected in districts. Pure democracy. In some countries all the citizens voted on proposed laws.
12. **Majority rule**. The only way of peacefully settling differences on questions of government. The basis of **the representative system**.

PART II.

GOVERNMENT IN NORTH CAROLINA.

CHAPTER I.

INTRODUCTORY.

DERIVATION AND EXPLANATION OF TERMS.

Allegiance. (Latin *ad*, to, and, *ligare*, to bind.) That which binds a person to the government of his country; the duty of a citizen to be faithful to the constitution and laws.

Colony. (Latin *colere*, to cultivate, to dwell.) A company of people who leave their own country and settle in another country. The thirteen colonies of North America were originally composed of people who came to this country from the countries of Europe.

Committee. (Latin *con*, together, and *mittere*, to send.) One or more persons to whom any matter or business is referred by a larger body. It is often inconvenient for a legislative body, or a large meeting, to discuss the details of a proposed measure. A committee meets separately to consider details and report upon them to the larger body.

Congress. (Latin *con*, together,

and *gressus*, going.) A meeting of persons for any purpose. **Provincial Congress.** The meeting of delegates from the counties of North Carolina. **Continental Congress.** The meeting of delegates from the thirteen States.

Convention. (Latin *con*, together, and *venire*, to come.) An assembly of delegates elected to meet and do some special business, generally having relation to politics. Our political parties have conventions for the purpose of choosing candidates for public offices.

County in former times was a territory or district under the authority of a *count*. The word is derived from the Latin *comes*, a companion. The count was the companion of the king or emperor.

Delegate. (Latin *de*, from, and *legare*, to send, as an ambassador.) A person sent from, or by, others to represent, or act for, them in any business, particularly a per-

son sent to take part in the business of a convention.

Jurisprudence. (Latin *jus*, right or law, and *prudētia*, foresight or knowledge.) The science of law; the system under which laws are administered.

Political. (Greek *polis*, a city or state.) Relating to the affairs of a state. Hence **politics**, the science of government; the business of regulating and managing the public affairs of a country.

Province. (Latin *pro*, for, and *vincere*, to conquer.) Originally a

Roman name for the government established over conquered territory. A territory for which a government is provided by an outside power and maintained by force.

Resolution. (Latin *re*, again, *solvere*, to loosen, to dissolve.) Hence the loosening or separating of a thing into the parts of which it is composed. Resolutions at a meeting of any kind are proposals put to the meeting for its approval. Resolutions are usually separated or resolved into several heads or parts.

13. EARLY GOVERNMENT OF NORTH CAROLINA.—For many years North Carolina was a province. The people were subjects of the King of England, and acknowledged his sovereign right to govern them. The king did not govern in person, but through officers who acted in his name. Some of these officers he appointed, some he permitted the people to elect, but every act of every officer was in the name and by the authority of the king. These officers included a governor, an assembly, judges and magistrates, sheriffs, constables, etc., almost the same that we have to-day.

In England the power of the king was limited by the "Bill of Rights" which he had signed, and which protected English citizens from the abuse of sovereign power. The people of North Carolina, though living in a province, believed they were English citizens and protected by the "Bill of Rights." They submitted to the sovereign power of the king so long as they believed this power to be limited in this way; but when the king assumed powers prohibited by the "Bill of Rights," they determined to resist. These acts of the king are all enumerated in

the Declaration of Independence. (See Appendix, p. viii.)

THE MECKLENBURG DECLARATION.—On the 20th May, 1775, more than a year before the Declaration by the Continental Congress at Philadelphia, at a county convention in Mecklenburg, a series of resolutions was passed, in which the delegates, in the name of the citizens of that county, absolved themselves from “all allegiance to the British Crown,” abjured “all political connection with that nation,” and declared themselves to be “**a free and independent people.**” (See Appendix, p. iii.)

THE MECKLENBURG COMMITTEE RESOLVES.—The Mecklenburg Declaration was followed, on 31st May, by another set of resolutions adopted at the same place, by a Committee acting in the name of the Convention and of the citizens. These resolutions declared

“That all Commissions, civil and military, heretofore granted by the Crown to be exercised in these Colonies, are null and void, and the Constitution of each particular colony wholly suspended.”

The resolutions also set forth the details of a system of provisional government for the county, which should be

“In full force and virtue until instructions from **the Provincial Congress** regulating the jurisprudence of the province shall provide otherwise.”

Though the other counties of North Carolina did not make formal declarations of independence, they had their **committees of safety**, and were active in resistance to the oppression of the British government. All the counties elected delegates to the Provincial Congress. The royal governor, alarmed at the uprising of the people, fled from the State. (See Appendix, p. v.)

14. Three months after the Mecklenburg Declaration (August 20, 1775) the Provincial Congress met at Hillsboro, and took temporary charge of the government of North Carolina and prepared to defend it. In April of the next year another congress met at Halifax and empowered their delegates to the Continental Congress "to concur with the delegates of the other colonies in declaring independency." They knew the king would attempt to reestablish his sovereignty by force of arms, but they believed that the provinces united were strong enough to maintain the rights which they now asserted.

In the other provinces leading men had proposed independence, but the people of North Carolina were the first province to instruct their representatives in Continental Congress to advocate a general Declaration of Independence.

Until the Declaration of Independence by the Continental Congress, the Provincial Congress had governed North Carolina temporarily, but now that the future seemed assured, a permanent government was necessary for the new State. The freemen of the State, as sovereigns, must assemble by delegates and establish a **constitution**, that is, a body of rules and maxims, in accordance with which the sovereign power would be exercised. They did not wish to change the officers through whom the government was administered, but to agree upon a written instrument in which the authority of these officers to act should come from the people and not from the king, and in which a rule of action for all departments and officers of the government would be clearly defined.

15. FIRST CONSTITUTION OF NORTH CAROLINA.—In December, 1776, a congress composed of "representatives of the freemen of the State" assembled at Halifax, and re-

solved upon a "constitution or form of government" for the State of North Carolina. (See Appendix, p. xvi.) This continued to be the fundamental law of the State up to 1835, when a Convention at Raleigh adopted amendments which were submitted to the voters of the State and approved by a majority vote. Further amendments have since been adopted and approved in like manner.

It is evident that a vote of the people on any proposal to alter the Constitution gives full effect to the principle that sovereign power rests in the people. The Constitution is superior to every and all other authority in the State, **except the people**. No public officer has power to do anything that is prohibited by the Constitution. The legislature can make no law which is opposed to any provision of the Constitution. The Constitution has been made by the people, through their representatives, and only by the people can it be altered or amended in the smallest particular.

16. In the substitution of a republican for a monarchical system, **the Halifax Convention** proceeded with much caution. This will be seen from the limitations it put on the right of voting, and the great powers it vested in the legislature. Under the Halifax Constitution a man was not allowed to vote at elections for members of the legislature unless he had property in land, or unless he paid a certain amount of taxes. In laying the foundation of the State it was thought best to give only men who had a real interest in it a voice and vote in its control. Safety demanded that all others should be excluded from control. The ownership of land or property was therefore made a test of a man's interest in the State. The Halifax Constitution gave the legislature the power of electing a number of State officers who are now elected by the people. It must be remembered that at this time the population of North Carolina was not large, and was scattered over an immense territory from the Atlantic

Ocean to the Mississippi River. Travelling was difficult and expensive. The people of one section of the State had very little knowledge of the people of other sections, and could not decide intelligently upon the best men to elect to the State offices. The members of the legislature being the leading men of their respective counties, and becoming acquainted with each other at the capital, could form an intelligent opinion as to the most suitable men to elect for the entire State. This was a strong reason why the election of State officers was intrusted to the legislature rather than to a vote of the people scattered over an immense territory. As the State grew older and the people came to know each other better, and as confidence in the republican form of government grew stronger, these safeguards were gradually abandoned. Under our present Constitution, nearly all the principal public officers of the State are elected by the people, and voters are not required to have property in land or to pay a certain tax. It is well worthy of note that as the right of voting has been extended, the **necessity for education** has been insisted on. Without intelligence in the people, government by the people would be a danger. The intelligence necessary to help in making good government can come only by education.

TOPICS FOR EXAMINATION AND REVIEW.

13. Early Government. Bill of Rights. Mecklenburg Declaration. Mecklenburg Committee Resolves. Provisional Government for that county. Other counties.
14. Provincial Congress at Hillsboro. At Halifax. A constitution.
15. The first Constitution of North Carolina ; subsequently amended.
16. Halifax Convention limits the right to vote, and trusts elections to the legislatures. Restrictions removed. Necessity for education.

CHAPTER II.

CONSTITUTION OF NORTH CAROLINA.

DERIVATION AND EXPLANATION OF TERMS.

Affirm. (Latin *affirmare*, to make firm.) To assert positively ; to promise solemnly to tell the truth, or to promise solemnly to perform a duty. The promise is made before an authorized person, either a judge or other officer having legal authority to administer an oath. Persons who have conscientious objections to taking an oath are permitted to affirm, and any person who, after legally affirming, says what is not true, is guilty of **perjury**. This is a crime punishable by law. Perjury is to affirm, or to swear to, what is false.

Amend. (Latin *e*, out of, and *menda*, a fault.) To alter so as to improve. An *amendment* to a constitution, a law, or a resolution proposed at a meeting, would be a change intended as an improvement.

Article. (Latin *artus*, a joint.) Besides several other meanings this word signifies a portion of any written statement or declaration, which consists of two or more parts or sections.

Elector. (Latin *e*, out of, and

lectus, chosen.) An elector is one who votes at an election, which means *choosing out* a person for public office or other distinction.

Oath. (Old English *othe*.) A solemn declaration by any person that what he states is the truth. A person who is called before a court to give evidence at a trial, that is, to tell what he knows about the case, is required to take an oath that he will tell the truth. The oath is taken with the right hand placed upon a Bible or Testament. It is usually in this form : " I solemnly swear that I will tell the truth, the whole truth, and nothing but the truth. So help me God." (See under *affirm*.)

Ordinance. (Latin *ordo*, order.) A law or rule established by authority.

Ratify. (Latin *ratus*, established, and *facere*, to make.) To approve what has been done by another ; to make valid or *established*.

Section. (Latin *sectus*, cut off.) A portion of something, as of a book or other writing ; also a part of a country.

16. PRESENT CONSTITUTION OF NORTH CAROLINA.—The Constitution of North Carolina as it exists to-day contains, in the first section of its first article, an assertion of the great democratic principle of the Declaration of Independence, that

“**All men are created equal**, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.”

In the second section of the first article our State Constitution asserts the principle of the sovereignty of the people :

“That all political power is vested in, and derived from, the people ; all government of right **originates from the people**, is founded upon their will only, and is instituted solely for the good of the whole.” (See Appendix, p. xxxvi.)

There is **one limit**, and only one limit, to the sovereignty of the people of the State of North Carolina, as of every other State of the Union. This is the limit which the people of North Carolina themselves voluntarily placed upon their sovereignty. It is the paramount authority of the Constitution and government of the United States, when exercised in accordance with the power granted by the States in the United States Constitution. That authority is thus recognized in our State Constitution :

“Every citizen of this State owes **paramount allegiance to the Constitution and Government of the United States**, and no law or ordinance of the State in contravention, or subversion [*i.e.* opposition, or setting aside] thereof, can have any binding force.” (See Appendix, p. xxxvi.)

17. BULWARKS OF FREEDOM.—Among the thirty-seven sections of the first article of our State Constitution will be found **declarations of right**, which are held by freemen all over the world to be the principal and essential guarantees of liberty. In these sections it is declared

(a) That **elections must be free**.

(b) That no person shall be convicted of crime except by the verdict of a jury in open court.

(e) That no person shall be deprived of life, liberty, or property, except by the law of the land.

(d) That the **freedom of the press** ought never to be restrained.

(e) That the people ought not to be taxed without their own consent, or that of their representatives.

(f) That no human authority should control or interfere with **the rights of conscience** [religious liberty].

(g) That the people have a **right to education**.

(h) That the people have a right to keep and bear arms.

(i) That the people have a right to assemble to consult for their common good. [Some technical terms and phrases used above are explained in subsequent chapters. See Index, p. lxxxvii.]

18. THE STRONG BOND OF OUR GOVERNMENT.—It is the duty of all citizens to support the Constitution and laws, in the benefits of which all have an equal share. This duty our Constitution imposes in solemn form as an essential condition to the exercise of the right of voting, or of holding public office in the State. Before any person can have his name placed on the register or roll of electors he must make oath or affirmation that he will support the Constitution and laws.

“No person shall be allowed to vote without registration, or to register, without first taking **an oath or affirmation to support and maintain the Constitution** and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith.” (Constitution of North Carolina, Article VI., Sec. 2, Appendix, p. lv.)

Every citizen who is elected or appointed to a public office is required, before entering on the duties of his office, to take an oath or make an affirmation in the following words:

“I, ———, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office. So help me God.” (Constitution of North Carolina, Article VI., Sec. 4, Appendix, p. lv.)

Many persons have religious objection to taking an oath. Such persons are allowed to affirm instead of swearing. They use the form, “I do solemnly affirm” instead of the form, “I do solemnly swear.” (See under *affirm* at the head of this chapter.)

The oath or solemn affirmation required from **every voter**, as well as every **office-holder**, is the contract or bond between the citizen and the State. **The sanctity of an oath is the strong bond of our government.** It is a reverent appeal to God as a witness of its faithful performance. It binds the citizen to support the Constitution and laws, even though they may not be in every particular what he might desire. The Constitution may not be best in every one of its provisions, but it is what the people have made it, and the people have power to alter or amend it when they please to do so. Until it is amended, however, and amended in the way itself provides, every citizen must support it as it is. Any citizen who will not do this gives his influence to the breaking up of our government, and violates his solemn oath.

19. HOW TO AMEND THE CONSTITUTION.—The Constitution may be amended in this way: Proposed amendments must be agreed to by three-fifths of each house of the General Assembly. After being so agreed to they must be submitted at the next election to a vote of the electors of the whole State. If a majority of the votes cast are for the amendments, they become part of the Constitution. As to the calling of a convention to amend the Constitution, see Article XIII., Section 1. It also recognizes the principle of rule by a majority vote of the

people. A convention called in this way is the highest representative body.

The provision that proposed amendments to the Constitution must first be considered and agreed to by the General Assembly is **manifestly a wise one**. It would not be convenient for all the voters of the State to meet together to discuss the substance and language of amendments. This can be much better done by a small, deliberative body, who have been experienced in the work of legislation, than it could be by a vast number of people. The General Assembly put the amendments into suitable form, and recommend them to the people. It is then left to the free will of the voters to ratify or reject the amendments thus proposed.

TOPICS FOR EXAMINATION AND REVIEW.

16. Our present State Constitution. It affirms that **all men are created equal**, and have unalienable right to life, liberty, and the pursuit of happiness. It asserts that **all political power is vested in the people**. One limit—the paramount authority of Constitution and Government of the United States.
17. **Bulwarks of freedom**. Free elections. No conviction of crime except by a jury in open court. Not to be deprived of life, liberty, or property but by law. The press to be free. **No taxation without people's consent**. Religious liberty. The people have **a right to education**, to bear arms, and to assemble to consult for their common good.
18. **Bond of our Government**. All citizens bound to support Constitution and laws. Oath of affirmation to support Constitution and laws required from every voter and office-holder. Every office-holder must also swear or affirm that he will discharge his duties faithfully.
19. How to amend the Constitution. First, the amendment must be approved by a three-fifths vote of each house of the General Assembly, and next, it **must be ratified by a majority vote of all the voters** of the State.

Convention called by a majority vote of all the voters who go to the ballot-box—the highest representative body.

CHAPTER III.

LAWS OF THE STATE.—THE GENERAL ASSEMBLY.

DERIVATION AND EXPLANATION OF TERMS.

Act. (Latin *actus*, done.) That which is done ; hence, the doing of a legislative body in the form of a law is called an *act*.

Attest. (Latin *ad*, to, and *testare*, to bear witness.) To certify, or bear witness, that something has been done.

Bill. (Latin *billa* or *bullā*, an edict or roll.) What this word means in the process of law-making is explained in the subjoined chapter.

Capital. (Latin *caput*, the head.) The chief (or *head*) city of a country or state. Capital does not mean the largest city. The city in which the chief executive (governor or president) officially resides, and in which the legislature meets, is called the capital.

Capitol. (Latin *caput*, the head.) In ancient Rome this name was given to the temple of Jupiter, the fabled king (or *head*) of the gods. In this country the name is given to the building in which a legislature meets. The Congress of the United States holds its meetings or sessions in the

Capitol at Washington, the General Assembly of North Carolina holds its sessions in the Capitol at Raleigh.

Code. (Latin *codex*, the trunk of a tree ; a board covered with wax which the ancients used for writing on ; hence, a book.) A book or collection of laws.

Corporation. (Latin *corpus*, a body.) A body, or company, or society, of persons authorized by law to carry on business as a single person.

Enact. (See *act* above.) To make a proposal into a law. The enacting part of legislation in the General Assembly of North Carolina is the signing of the bill in each house by the presiding officer.

Engross. (French *engrosser*, to make large.) To write in a large, legible hand. Important legal and other documents are sometimes engrossed on parchment.

Ex officio. This is a Latin phrase, which means by virtue or right of office. The lieutenant-governor is, *ex officio*, president of the senate, that is, because, or

by right, of his office as lieutenant-governor.

Fine. (Latin *finis*, the end.) Money paid as the settlement or *ending* of a matter in dispute. A payment imposed as a penalty upon a person found guilty of an offence.

Senate. (Latin *senex*, old.) The senate in ancient Rome was the highest legislative power. It was composed of *elders* chosen from among the nobility ; hence the word came to be used as a name for the higher or upper house of a legislature. The senate is always the less numerous of the two houses of a legislative assembly.

Session. (Latin *sessio*, a sitting.) The sitting of a court or legislature, for the transaction of business.

Speaker. This word in the sense of chairman has come to us from the legislature of Great Britain, which is called Parliament. The lower house of that body is the House of Commons, the chairman of which is called the speaker, from the fact that he is the *speaker* for, or mouthpiece of, the House in all communications or correspondence with other bodies or persons.

Statute. (Latin *statuere*, to set up, to establish.) A law made by a legislature.

Veto. This is a pure Latin word, the English of which is, *I forbid*. It is a name given to the power vested in kings, in the President of the United States, and in the governors of some of our States, to *forbid* the enacting of any law of which they do not approve.

20. THE STATUTE LAWS.—Besides the Constitution, which is the fundamental law, there are other laws called **statute laws, or statutes.** The Constitution entrusts the power of making these laws to a body of men called the General Assembly. It is one of the three departments of the government established by the Constitution, and because its duty is to make laws it is called a legislative or law-making body. The laws which it makes are called “statutes” because they are set up or fixed for the guidance of the people. The building in which the General Assembly meets to make laws is called **the Capitol.** It is situated in the city of Raleigh, the capital of the State.

THE GENERAL ASSEMBLY.—The General Assembly is composed of two bodies or houses—**the Senate and the**

House of Representatives. The meetings or sessions of the Senate are held in a room in the Capitol called **the Senate Chamber**. Another room or chamber in the same building is set apart for the sessions of the House of Representatives.

Under the Halifax Constitution the branch of the legislature which is now called the House of Representatives was called **the House of Commons**.

21. The Senate is composed of fifty members. The House of Representatives has one hundred and twenty members. Both Senators and Representatives are **elected every two years** by the voters. For the purpose of such election, districts are formed according to a system prescribed in the Constitution. (See Constitution, Article II. Appendix, p. xl.)

The General Assembly meets every two years, in the month of January next after the biennial election. Each house has a chairman or presiding officer. The lieutenant-governor is the presiding officer of the Senate, and is called **the president**. The House of Representatives elects one of its own number to be its presiding officer. This officer is called **the speaker**. Each house elects a secretary and other officers that may be necessary for the transaction of its business.

Though the lieutenant-governor is president of the Senate, he is **not elected by the Senate**. He is elected lieutenant-governor by the voters of the State, and he is, *ex officio*, president of the Senate; that is, by right of his office as lieutenant-governor he is presiding officer of the Senate.

22. HOW THE LAWS ARE MADE.—The General Assembly has power to make any law **provided it is not prohibited by the Constitution** of the State, or by the Constitution of the United States. Before any proposed

measure can become law it must be passed by each house, and it must be signed by the presiding officer of each house, in the presence of the house. The signing by the president and by the speaker is called **ratifying the act**. The presiding officers cannot refuse to sign any act that has been passed by both houses.

In some States of the Union a measure, after passing both houses of the legislature, must be signed by the governor in order to become law. The governor may refuse to sign if he sees reason to disapprove the proposed measure. This is called **the veto power**. The Constitution of North Carolina gives no veto power to the governor.

THE PASSING OF A BILL.—A measure that is proposed to be made into law is called a bill. Any member of either house may propose a bill in the house of which he is a member. The **method of procedure** is as follows: If we had no law to punish assaults, or if the law that we have were imperfect, any member of the Senate or House of Representatives might introduce a bill to carry out his ideas on this subject. He would first ascertain that there is nothing in the Constitution to prohibit such a law. He would then consider what punishment ought to be inflicted for assault, since a law cannot be enforced without a provision for punishment. Having considered the provisions of his bill, he would put it in writing in some such form as follows:

A BILL TO BE ENTITLED, "AN ACT TO PUNISH ASSAULTS."

The General Assembly of North Carolina do enact :

SECTION 1. That in all cases of assault, with or without intent to kill or injure, the person convicted shall be punished by fine or imprisonment or both at the discretion of the court.

SECTION 2. That this act shall take effect sixty days after its ratification.

The bill is **read aloud** in the house to which the member who proposes it belongs ; if the usual course is followed it is then sent to a committee, and, after the committee report, it is debated and voted upon. If there is a majority of votes against it, it is rejected. If there is a majority for it, it must still be voted on a second and a third time in the same house. If it has a majority in each of the three votings, it passes the house. But it may be that before the bill reaches the third voting or reading, a member may propose **an amendment** (as every member has a right to do) in some such a form as the following :

“ Provided that when no deadly weapon has been used, and no serious injury done, the punishment for assaults, batteries, and affrays shall not exceed a fine of fifty dollars, or imprisonment for thirty days.”

The amendment may be debated. Then a vote is taken upon it. If the vote is favorable the amendment becomes part of the bill.

When the bill passes its third reading it is written out (engrossed) in the exact words in which it has passed, and is then sent to the other house, where it must also pass, that is, be favorably voted on, three times before it can be signed by the presiding officers. After passing three times in each house it is ratified by the signature of the presiding officers, and is then a law or an act.

While a measure is under discussion in the Assembly, and up to the time when it is signed by both presiding officers, it is **a bill**. The moment it is signed, it is **an act**. The signing is the final stage in the process of law-making. The particular purpose of signing in the presence of each house is to attest openly the passage of the bill into law.

After a bill has been read the first time, as already stated, it is usually referred to a **committee** of the house in which it is proposed. The object of this course is to save time. It would take a great deal of time for a large body to carefully consider all the details of an important bill, especially if it were long and complicated, as is frequently the case with bills about railroads and other corporations. The committee usually examine the bill during the time the house is not in session, and as soon as convenient, they report their opinion of the bill. They may also recommend amendments. The reports of committees are not binding on either house, but the members are, to a great degree, guided and influenced by the reports in giving their votes. A bill can be passed or rejected without being referred to a committee.

23. PUBLIC LAWS AND PRIVATE LAWS.—Among the statute laws there are some which are called public laws, and some which are known as private laws. A public law may be described as **a law in which the whole people are interested**; such as a law for the punishment of crime, or a law for the protection of property. A private law is a law in which only some of the people, it may be a few persons, are directly interested. Among the private laws our statute books contain :

Acts for incorporating manufacturing and other business companies, such as insurance companies, banks, building and loan associations, bridge companies; and societies, such as benevolent societies, historical societies, agricultural societies.

Acts for incorporating cities and towns, acts prohibiting the sale of intoxicating liquors in certain places, and other acts that relate to government in localities, are called **public local laws**.

24. In every session of the General Assembly some changes are made in laws, and new laws are enacted. There is a **constant effort to improve the laws**, or, at least, to make them what the majority of the voters wish them to be. Members of the General Assembly sometimes find that the Constitution forbids the making of some law which they think ought to be made. In such case they may propose an amendment to the Constitution. The amendment may be effected in the way already explained, viz., by a three-fifths vote of the Assembly, and by a majority vote of the electors of the State; or a convention may be called for this purpose. All this takes time, but it gives opportunity for full discussion and investigation.

It will, therefore, be seen that there is a constant effort to improve not only the statute laws, but the Constitution. Whether or not the changes made from time to time will prove beneficial, must depend upon the intelligence and virtue of the people.

If any persons who are not members of the General Assembly desire that a law should be altered, or a new law proposed, they may **make known their desire to their representatives** in the Assembly, and request them to propose the desired law or change in the law.

25. PUBLICATION OF THE LAWS.—Written copies of all laws enacted by the General Assembly are sent to the Secretary of State. The Secretary of State sends them to the public printer by whom they are **printed and made into books**. Copies of the books are sent by the Secretary of State to the governor and other public officers, and to the law courts of the State. This takes considerable time, during which the people have but little knowledge of the new laws except what they get from **the newspapers**. Before the laws can be officially published the newspapers tell us about them. While bills are under dis-

cussion in the General Assembly we find in the newspapers what they are about, and what is proposed in them. In this way the people come to know about the new laws before they are published in books.

26. THE COMMON LAW.—The laws made by the General Assembly are the statute laws. They are published in volumes, and the whole body of the public statutes is called **The Code**. Since it was published, there have been a number of General Assemblies that have passed other public statutes, and made changes which are not now embodied in The Code. Besides The Code and other public statutes passed since it was published, there is what is known as the common law. This consists of the “**established customs**” of centuries, or, as it is called, “immemorial usage.”

“**Common law**, the unwritten law, the law that receives its binding force from immemorial usage and universal reception, in distinction from the written or statute law.”—*Webster*.

In North Carolina, if there is no statute law on any question in dispute, the common law is applied to the case, provided it is not opposed to the principles of the Constitution.

Every citizen ought to have as good a **knowledge of the laws** as it is possible for him to obtain. A thorough knowledge of them can be had only by long and patient study. But by reading the newspapers, and listening, when convenient, to the expositions of law given by judges in our courts, a person may get a general idea of what our laws require and permit. This is all that most persons can be expected to know about the laws. Amid the innumerable conflicts about the protection of the lives, liberty, and property of hundreds of thousands of people, there must necessarily arise many questions and

points of law, with the bearings of which only lawyers can be expected to be familiar.

Ignorance of the law no excuse for breaking the law. The duty of obeying the law is, however, rigidly binding on all, so much so that ignorance of the existence of a law will not be admitted in a court as an excuse for a violation of it.

TOPICS FOR EXAMINATION AND REVIEW.

20. **Statute laws** are made by the General Assembly. The Assembly meets at Raleigh, in the Capitol. It consists of two houses—the **Senate** and **House of Representatives**.
21. The Senate has fifty members; the House of Representatives, one hundred and twenty. They are **elected every two years** by the voters of the State. They meet every two years, in January, after election. The lieutenant-governor is, *ex-officio*, President of the Senate. **The speaker** is presiding officer of the House of Representatives. How both are elected.
22. The General Assembly can make any law **not forbidden by the Constitution**. A proposed law must pass **three times in each house**. Must be signed by the presiding officer of each house. This is **enacting a law**. Form of a bill, "The General Assembly do enact." A *bill* becomes an *act* when it is signed. Bills are referred to committees.
23. **Public laws** concern all the people. **Private laws** are laws in which only some persons are directly interested. Acts for incorporating companies or societies are private laws.
24. Laws are changed, and new laws made every session. **Constant effort to improve the laws.**
25. New laws are **printed and published in book form**. They are sent to public officers and to the courts. This is official publication of the laws. Through the newspapers and the courts the people get information about bills and laws before publication.
26. The Public Statutes printed in books are called **The Code**. Common law is the "**unwritten law**," the "established custom" of centuries. Every citizen ought to have as good a **knowledge of the laws** as can be obtained.

CHAPTER IV.

ADMINISTRATION OF THE LAW.

DERIVATION AND EXPLANATION OF TERMS.

Bail. (French *bailler*, to deliver.)

To set a prisoner free on security given by some person that the prisoner will appear in court when wanted for trial. A prisoner awaiting trial for a serious crime, such as murder, cannot be bailed. A person charged with less offences may be bailed, and such offences are called *bailable*.

Capital. (Latin *caput*, the head.)

A capital crime is a crime the legal penalty of which is death ; a crime for which one forfeits the *head* or life.

Client. (Latin *cliens*, one who

puts himself under the protection of another.) The person whom a lawyer pleads for or defends in a trial is the lawyer's client.

Convict. (Latin *convictus*, thor-

oughly proved.) To find or pronounce an accused person guilty, as a jury convicts a prisoner. The person found guilty is called a *convict*.

Court. (Latin *cohors*, an enclos-

ure.) In law, the hall or room in which a judge sits to try cases, and administer justice.

The word is also used to mean the judge or judges, as, "the Court pronounces sentence ;" that is, the judge pronounces sentence. To pronounce sentence is to pass judgment on a convict, to declare what punishment is to be inflicted upon him.

Evidence. (Latin *e*, out of, and *videre*, to see.) That which makes a thing evident or clearly *seen*. A statement made or information given by a witness in a trial.

Indictment. (Latin *in*, into, and *dicere*, to say.) A written charge or statement of crime presented to a court against an accused person.

Infamous. (Latin *in*, not, and *fama*, fame, reputation, good name.) Of ill fame, base, disgraceful.

Justice of the Peace. A judge of an inferior court in which persons charged with light offences are tried.

Jury. (Latin *jurare*, to swear.) A body of men sworn to inquire and declare the truth as to

whether a person charged with crime is guilty or not guilty. The judge decides on questions of law, the jury determines the question of fact as to guilt or innocence. **Grand Jury.** A *great* jury. (French *grande*, great.) One having greater or more extended functions than the trial jury, which is sometimes called the **petit jury**.

Militia. (Latin *miles*, a soldier.) The militia are soldiers who are called to service only in times of war, or when there is rioting or disturbance of the peace that cannot be suppressed by the civil power (the sheriff and police).

Naval. (Latin *naves*, a ship.) The naval forces are the government war-ships and the officers and men engaged in them.

Penalty. (Latin *pæna*, punishment.) In law, the punishment inflicted upon a person found guilty of crime.

Presentment. "The notice taken by a grand jury of any offence from their own knowledge or observation, or from information received from other persons without any bill of indictment laid before them."—*Webster*.

Prosecute. (Latin *pro*, forward, and *sequi*, to follow.) To accuse a person of crime and to proceed against him with the view to his conviction and punishment.

Sheriff. (Old English *shireve*.)

The chief public officer of a county, whose duty it is to execute the law.

Solicitor. One who solicits. In law, an attorney, a lawyer.

Summon. (Latin *sub*, under, and *monere*, to admonish, to advise.) In law, to order or require a person to appear to give evidence.

Subpœna. (Latin *sub*, under, and *pœna*, punishment.) A summons to attend court, under penalty of fine or imprisonment for failure to appear.

Term. (Latin *terminus*, a limit or boundary.) The period (or *limit* of time) during which a court is open for trials.

Verdict. (Latin *verum dictum*, a true saying.) The verdict of a jury is taken to be a *true saying* whether the accused person is guilty or not guilty.

Warrant. (French *garantir*, to vouch.) A paper or document authorizing an officer of the law to arrest a person accused of crime.

Witness. (Anglo-Saxon *witan*, to know.) One who attends at a trial in a court and tells what he knows about the case.

Writ. (From *write*.) "An instrument in writing (a written paper) issued from the proper authority, commanding the performance or non-performance of some act by the person to whom it is directed."—*Webster*.

27. ADMINISTRATION OF THE LAW: AN ILLUSTRATION.—
As it is the duty of citizens to obey the law, it is the duty

of the officers of the law **to enforce obedience** and to punish those who disobey. How this is done in certain cases may be explained by an illustration.

Let us suppose that A. B. has assaulted some person by striking him. The person assaulted, or some one on his behalf, gives information, under oath, to a justice of the peace. The justice issues a warrant for the arrest of A. B. The warrant is given to a constable or sheriff, whose duty it is to arrest A. B. and **take him before the justice for trial**. If it is known that there have been witnesses of the assault, the justice issues a subpoena (sometimes called a summons) and the constable or sheriff serves it on them; it requires them to attend the trial to give evidence. The witnesses must take an oath that they will tell the truth, and the whole truth. They are then examined (questioned) by the justice as to what they saw A. B. do on the occasion of the assault. A. B. may employ a **lawyer to defend him**, and if he does so, the lawyer may examine the witnesses. If the justice, after full investigation of the case, thinks that the evidence proves A. B. guilty, and if he finds that no deadly weapon was used, and no serious injury done, he pronounces A. B. guilty, and may order him to pay the fine specified in the law, or a smaller fine, if, from the facts of the case, he thinks that A. B. does not deserve so severe a punishment. The justice can imprison or fine him, but the punishment "shall not exceed a fine of fifty dollars or imprisonment for thirty days." If the offence is one of which the justice has not jurisdiction, he must examine the witnesses, and, if there is probable cause, bind the accused to the Superior Court, and commit him to jail to await trial by the Superior Court, which is a higher court.

28. TRIAL BY JURY.—But perhaps A. B. may feel that he has not got justice. He may think that the trial has

not been a fair one. In this case **he may appeal**; that is, he may ask for another trial in a higher court. The second trial takes place in the Superior Court of the county, which is presided over by a judge. In this trial the guilt or innocence of A. B. is determined, not by the judge, but by a jury, sometimes called a **petit jury**.

A jury (petit) is a **body of twelve men** who are chosen from the citizens of the county in which the trial takes place. It is the duty of the jury to say, after hearing the evidence and the law, whether they find the accused person to be "**guilty**" or "**not guilty**." This is called a **verdict**. The jury must give their verdict **according to the evidence and the law**. No matter if the accused person is of bad character, no matter if the members of the jury personally know him to be a criminal, they must find him "not guilty" if the evidence given at the trial does not **prove him to be guilty** of the offence with which he is then charged. The jury have to take an oath that they will give a verdict according to the evidence and the law. If A. B. had desired he might have demanded a jury of **six men** in the justice's court to decide upon his guilt according to the evidence.

In the second trial of A. B. the witnesses are again examined. The judge may question them, and the lawyer or lawyers, and any of the jury, may put questions. After full examination, the lawyer employed by A. B. may address the jury in behalf of his client. Another lawyer (the solicitor) is present to prosecute A. B. on behalf of the people. He also may address the jury, and endeavor to show that the evidence proves A. B. to be guilty.

When a person commits a crime, such as assault or burglary, it is a **crime against the State**; that is, against the people, as well as against the person who is assaulted or robbed. The State law has been violated, and there is a public officer whose duty it is to appear in court and prosecute the criminal in the name of the State or people. This officer is the solicitor. His duties will be more fully explained later on.

After the lawyers on both sides have spoken, the judge

makes an address to the jury, in which he reviews the evidence, and **explains the law** bearing on the case. The judge is forbidden to express an opinion as to **the facts**. This is called the judge's **charge to the jury**. The jury then **retire to a private room** to consider what the verdict ought to be. When they have agreed upon a verdict they return to the court.

The jury must be unanimous. The verdict of the jury must be the verdict, not of a majority of the twelve, but of all the jury. This is a departure from the republican principle that the will of the majority should prevail. It is, however, a wise as well as a merciful provision. The spirit of our law is that **"it is better that ninety-nine guilty men should escape than that one innocent man should suffer punishment."** A person accused of crime is entitled to the benefit of every reasonable doubt as to his guilt. The verdict of "guilty" or "not guilty" must, therefore, be the verdict of every man of the twelve. If the jury cannot agree on a verdict they are discharged, and there may be another trial with a new jury.

If the jury finds A. B. "not guilty," the judge orders him to be discharged from custody, and he goes free. But if the verdict is "guilty," the prisoner must undergo the punishment imposed by the judge in accordance with the law.

29. A. B. may, however, **appeal to a still higher court**. There may be some points of law on which his lawyer may think that the judge gave wrong instructions to the jury. Or the judge may have refused to allow certain evidence to be given, which A. B.'s lawyer thinks ought to have been admitted in justice to his client. On such points A. B. may appeal to a higher court, called the Supreme Court. If the Supreme Court decides that the judge in the second trial was wrong on the points of law, A. B. must have another trial. But if the Supreme Court decides that the judge was right, A. B. can make no

further appeal. He must submit to the sentence pronounced upon him.

This illustration of the supposed trial demonstrates in two ways **the wisdom and justice of our system of government.** It shows :

First, that while the government is rigid in enforcing the law, it gives accused persons every reasonable opportunity of defence; and

Second, that trial by jury of twelve men, requiring *all* to agree on a verdict, is **an excellent security against oppression** or injustice—the safeguard of liberty, and at the same time an efficient means of bringing the guilty to punishment.

30. WRIT OF HABEAS CORPUS.—The law of *habeas corpus* is one of the most valuable of the securities of personal liberty. In former times in England a man might, without trial, be deprived of his life or liberty by the agents of government. That cannot be done in England now, nor in our own country can any person be unjustly detained in prison, or put to death **except after trial and conviction by a jury.** If any person is deprived of his liberty without just cause, his remedy is in a writ of *habeas corpus*. He or some other person may make application to any judge for a writ. The judge on hearing the application must issue a writ; that is, an order to the keeper of the prison in which the person is detained, commanding him to produce the person in court. This order must be obeyed. When the person is produced in court the judge sets him free if the charge against him is not lawful or is not sustained by sufficient evidence. If there is sufficient evidence to put him on trial he gets a speedy trial, and pending trial he is bailed, if the offence charged against him is a bailable one.

Habeas corpus are Latin words the translation of which is, *you may have the body.* The judge's writ is, in effect, a permission or order that he or his friends *may have the body*; that is, that the prisoner must be taken out of jail and produced in court.

31. THE GRAND JURY.—The Constitution of North Carolina says, Article I., Section 12, that “No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment, or impeachment.” Section 13, of Article I., allows the legislature to provide other means than the jury for the trial of petty misdemeanors, with the right of appeal.

This means that before any person can be put on trial for a criminal charge, other than a petty misdemeanor otherwise provided for by the legislature, a statement of the charge against him must be made in writing, and presented to the judge by a grand jury. The grand jury is **composed of eighteen citizens**, who must be persons of **good moral character** and intelligence, and otherwise qualified according to law to act as jurors. **Twelve** of the members of the grand jury must consent before an indictment can be found.

In every county there are officers called the **board of county commissioners**. It is a part of their duty to carry out the law relating to the formation of juries. This is how it is done. The commissioners write on separate slips the names of all citizens resident in the county, who are qualified to serve as jurors. The slips are put into a box, and, in the presence of the commissioners, a **child** who is supposed not to be able to read **draws from the box thirty-six slips**. The thirty-six slips are put into another box from which, in the presence of the court, eighteen slips are drawn by a child. The persons whose names are on these eighteen slips form the grand jury. Out of the remaining eighteen the trial jury is chosen. A grand jury is composed of not less than twelve, and not more than twenty-three. The law of North Carolina requires that the grand jury shall not be less than eighteen. The object of having the slips drawn by a child who cannot read is to satisfy everybody that the jury is fairly formed. The law is strict in requiring that juries shall be **impartially chosen**. For every term of the Superior Court there is a new grand jury, and there are at least two regular terms every year.

It is the **duty of the grand jury** to call the attention of the court, by indictment or presentment, to every case of known crime that has not been legally disposed of by a justice of the peace, or otherwise. Any citizen who knows that a crime has been committed, and that the guilty person has not been brought to trial for it, may give information thereof to a grand juror. The grand jurors themselves may hear of crime for which no person has been put on trial. It is, therefore, to be expected that violations of the criminal law that occur in the county will, in some way, come to the knowledge of the grand jury.

The grand jury are sworn to investigate all cases of violation of the criminal law that have not been legally disposed of. They hold their sessions in private. If the grand jury think it probable that a crime has been committed, and that sufficient evidence can be had to convict in any case before them, they make out a presentment, that is, a statement of the facts, and send it to the Superior Court. Although in making a presentment the grand jury examines no witnesses under oath, yet they name the persons who probably can give the necessary information.

32. In such a case as that of the charge of assault against A. B., if A. B. had not been tried by a justice of the peace, the **grand jury presentment** would be in some such form as follows :

State of North Carolina,	}	Spring term,
..... County.		18 ..

The jurors for the State, upon their oath, present A. B. for an assault upon the body of C. D.

Summon for the State E. F. and G. H.

(Signed) L. M.,
Foreman.

The juror who presides at the session of the grand jury is called the *foreman*. "Summon for the State E. F. and G. H.," in the above form, means that the persons whose initials are given are to be summoned as witnesses for the State against the accused A. B.

After the presentment is made the solicitor writes out a **bill of indictment**, writes on it the names of the witnesses, and sends it to the grand jury. They again consider the case, and if twelve of their number are satisfied that the evidence against the accused is sufficient to convict, they write on the back of the bill the words, a **true bill**. It is then sent to the court. The bill of indictment in the supposed case of A. B. would be in the following form :

State of North Carolina, }	Fall term,
County. }	18 . .

The jurors for the State, upon their oath, present that on the day of 18 . . , in the county and State aforesaid, A. B. then and there being, an assault upon the body of C. D. did then and there make. And him, the said C. D., did beat, wound, and ill-treat to the great damage of him, the said C. D., against the peace and dignity of the State.

(Signed)

S. F.,

Solicitor.

In the first investigation the grand jury had no authority to call witnesses. They got information of the assault, perhaps from some of their own number, or from E. F. and G. H. In the second investigation **they examine, under oath, the witnesses** whose names are marked on the bill of indictment, they having been summoned by order of the solicitor.

After the bill of indictment is presented, A. B. is taken to court and tried by a judge and jury.

While the course above illustrated is the one usually followed, it is not necessary that the first step shall always be taken by the grand jury. The solicitor may, if he has sufficient evidence, send a bill of indictment to the grand jury, even though they have not made a presentment, or given any consideration to the case.

The grand jury may be said to be **the eyes of the court**. It is their duty to *see* for the court, to inquire into, and call the court's attention to violations of the criminal law. They are sworn to do this. They are also sworn to secrecy as to what passes at their sessions. Each juror is sworn to keep secret his own counsel and that of his fellow-jurors. The grand jury are the eyes of the court and a terror to the evil-doers. It is not unusual that presentments are found at one term of the court, and indictments based upon these presentments found by another grand jury at the next term of court.

TOPICS FOR EXAMINATION AND REVIEW.

27. The officers of the law **must enforce obedience** and punish those who disobey. Suppose A. B. commits an assault. Information is given to a justice of the peace. He issues a warrant. A. B. is arrested. Witnesses are summoned. They must **take an oath to tell the truth**. If A. B. is found guilty he is fined or imprisoned.
28. A. B. may appeal to Superior Court. — He is then tried by a jury. A jury is **twelve men sworn to give a verdict according to the evidence**. The jury must be unanimous.
29. If A. B. is convicted in the Superior Court he may again appeal. The judge may have given wrong decisions on points of law or evidence. A. B. may appeal on such points to the Supreme Court. If the Supreme Court decides in his favor he gets a new trial; if it decides against him he must submit to the sentence of the judge. There is no further appeal. **Trial by jury a protection against oppression**.
30. **Habeas corpus**. A valuable security of personal liberty. If a person is wrongfully imprisoned, a judge will grant a writ of *habeas corpus*. The person must be produced in court, and set free or put on trial.

- 31.** For a capital or infamous crime a person must be indicted by a **grand jury**. How the grand jury is formed. The County Commissioners put in a box on slips of paper the names of those qualified. **A child draws thirty-six names** from the box. From these, eighteen are drawn to form the grand jury. The grand jury must present or indict in every case of known crime not tried by a justice of the peace. Any citizen may give information of crime to a grand juror. The grand jury hold their sessions in private.
- 32.** Form of grand jury presentment. After presentment the solicitor makes **bill of indictment** and sends it to the grand jury. If the grand jury have sufficient evidence they mark it **a true bill** and send it to the court. The accused is then tried by judge and jury of twelve men.

CHAPTER V.

THE EXECUTIVE DEPARTMENT.

DERIVATION AND EXPLANATION OF TERMS.

Appropriation. (Latin *ad*, to, and *proprius*, one's own.) To appropriate is to take something for *one's own* use. An appropriation means a grant of money made by a legislature for some public purpose.

Assess. (Latin *assessare*, to value for taxation.) **Assessment**, valuation of property with a view of taxation; the sum charged as tax upon property or persons. **Assessor**, one who fixes the value of property for taxation.

Auditor. (Latin *audire*, to hear.) One who listens or hears; in a special sense, one who examines (audits) books or papers in which accounts of money transactions are kept, the purpose of such examination being to ascertain if the accounts are correct.

Candidate. (Latin *candidus*, white.) In ancient Rome a *white* toga or gown was worn by persons seeking public office; hence the word candidate, which means a person applying or nominated for an office.

Commissioner. (Latin *con*, together, and *missus*, sent.) A per-

son *sent* or authorized to do some special business. (The duties of county commissioners are explained in Chapter VII.)

Commutation. (Latin *con*, together, and *mutare*, to change.) A change of punishment from greater to less. In case of a person sentenced to death, the governor of the State may change the punishment to imprisonment for life. This would be a commutation of sentence.

Deed. Something *done*. In a special sense, "a sealed instrument (paper) in writing containing some transfer, bargain, or contract."—*Webster*.

Docket. *Dock*, to clip or cut off a part. A book, or lists, in which are written particulars of the cases to be tried in court.

Fiscal. (Latin *fiscus*, a money bag.) Relating to the revenue, or money matters, of the State.

Plurality. (Latin *plus*, more.) **Majority.** (Latin *major*, greater.) The use of these words in a political sense is explained on page 57.

Reprieve. (Latin *re*, back, and

probare, to try.) Literally, to try a person again, to delay execution of sentence on a criminal.

Subject of Taxation. That which may be or is proposed to be taxed.

Warrant. In a special sense, an

order authorizing a public officer to execute some decree or judgment of a court. The auditor's warrant to the treasurer is a written order authorizing the treasurer to pay money to a person legally entitled to receive it.

33. EXECUTIVE DEPARTMENT.—The Executive department of a government is that department which has charge of the duty of seeing that the laws are *executed*, or carried out. This department is usually divided into a number of branches, or subordinate departments, each under the direction of an officer who is either appointed by the chief Executive, or elected by the people.

In North Carolina the Executive department consists of the governor, the lieutenant-governor, the secretary of State, the treasurer, the auditor, the superintendent of public instruction, and the attorney-general. All these officers are **elected by the qualified voters of the State**, and they hold office for a term of four years. Any citizen having the qualifications required by the Constitution may be proposed as a candidate for, and if elected may hold, any of these offices. Usually each political party nominates (proposes) a candidate for each office. The candidate who receives a majority or plurality of votes is elected.

Majority and plurality are words which seem much alike in meaning, one being derived from a Latin word which signifies *greater*, and the other from a Latin word signifying *more*. In their use in reference to votes cast at an election they have not, however, the same meaning. *Majority* means more than half of the total votes cast for all the candidates for the same office; *plurality* means more than have been cast for any other candidate. For example, if there are three candidates for the same office, and one receives twenty votes, another thirty, and the third fifty; the

candidate who receives the fifty votes has a plurality, because he has received more votes than either of the other two, but he has not a majority, because he has not received more than half the total of a hundred votes cast for all the three candidates. If one of the three receives sixty votes, and the others twenty each, the person receiving the sixty has a majority, because he has received more than half the total votes cast.

Elections in North Carolina are conducted in accordance with laws made by the General Assembly. The duties of the principal public officers of the State are also prescribed by laws made by the General Assembly, except certain duties of the governor and lieutenant-governor which are prescribed by the Constitution. (How elections are conducted is explained in Chapter IX.)

34. THE GOVERNOR.—The office of governor is the highest of our State offices. The Constitution prescribes that in the governor “shall be vested the supreme executive power of the State.”

The **qualifications for governor** are set forth in the Constitution. Before election

He must be **not less than thirty years of age.**

He must be **a citizen of the United States for five years.**

He must be a resident of North Carolina for two years next before the election.

The Constitution says that a person elected to the office of governor shall not be “eligible to the same office more than four years in any term of eight years.” This means that a person cannot be governor for two terms, one immediately following the other.

35. DUTIES OF GOVERNOR.—Before entering on the

duties of his office, the governor must take an oath, or make affirmation, that he will

“Support the Constitution and laws of the United States, and of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor.”

Among the duties and powers of the Governor as specified in the **Constitution**, are the following :

He shall **reside at the seat of government** of the State ; that is, in the city of Raleigh.

He shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to them the making of such laws as he may think necessary.

He shall have **power to grant reprieves, commutations, and pardons**, to persons convicted of crime.

He shall be **commander-in-chief of the State Militia**.

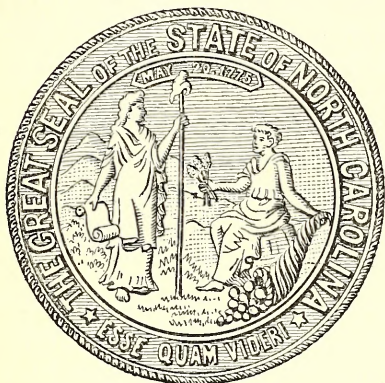
He shall, when he thinks necessary, and with the advice of the Council of State, call extra sessions of the General Assembly.

He shall appoint all officers whose offices are established by the Constitution, and whose appointments are not otherwise provided for.

He shall **take care that the laws are faithfully executed**, and he may at any time call upon any of the officers of the Executive department for information as to the business of their offices.

He must keep in his possession the Seal of the State, which shall be used by him whenever required.

The Seal is called "**the great Seal of the State of North Carolina.**" It is an engraved stamp, or die, an impression of which is required on important papers or documents relating to State affairs. The impression, which is also called the seal, indicates that the document is duly authorized or ratified.



The governor may be impeached, that is, put on trial, for any grave violation of the duties of his office. In such case the court of trial is the Senate, and during the trial the chief justice of the Supreme Court pre-

sides. A vote of two-thirds of the senators present is required for conviction. If convicted the punishment is **removal from office** and disqualification to hold any office in the State. (The form of procedure in impeachment is explained in Chapter VI.)

Under the **statute laws** of the General Assembly the governor has many powers and duties.

He is the sole official organ or medium of communication between the Government of North Carolina and the Government of the United States, or of other States.

He has general supervision of the official conduct of all executive and ministerial officers of the State.

He **must see that all public offices are filled,** and the duties properly performed.

He appoints officers in all departments whose appointments are not otherwise provided for.

36. THE LIEUTENANT-GOVERNOR.—The same qualifications as to age and period of residence in the United States, and in the State of North Carolina, as are required for persons elected to the office of governor, are required for persons elected to the office of lieutenant-governor.

The lieutenant-governor is president of the Senate, but he has no right to vote in that body unless it is equally divided on any question.

The Senate is **equally divided** when, on any proposal being voted on, the same number of senators vote for the proposal as vote against it. If twenty senators vote for any proposal, and twenty vote against it, there is an equal division. In such case, the president (the lieutenant-governor) may vote for either side, otherwise the question would remain undecided, there being no majority for or against.

The lieutenant-governor may become governor under certain circumstances :

If the governor is convicted on impeachment.

If the governor fail to qualify, that is, to take the oath of office.

If the governor is **absent from the State**.

If the governor is unable to discharge the duties of his office.

If the office shall, in any way, become vacant.

In any of these cases the lieutenant-governor becomes governor, and holds that office “until the disabilities (of the governor) shall cease, or a new governor shall be elected and qualified.”

The governor's failure to qualify, or his absence from the State, would be a disability, and such disability would cease by the governor's qualifying, or returning to the State. If the disabilities do not cease, the lieutenant-governor holds the office of governor until the installation of the governor elected at the next regular election.

37. THE SECRETARY OF STATE.—The statute law prescribes the duties of the Secretary of State. It is his duty:

To receive all laws enacted by the General Assembly, to have them printed in bound volumes, and to have copies sent to justices of the peace, and to the State and county officers.

To issue **grants of public lands**, and to keep in his office a complete record of all such grants.

To purchase fuel and stationery for all the departments of State, and to furnish at cost all blank books required by the county commissioners, the register of deeds, clerks of the Superior Courts, county treasurers, and dockets for justices of the peace.

To examine the affairs of all insurance companies that do business in the State.

To have custody of the statutes and resolutions of the General Assembly, and all documents which bear the Seal of the State.

38. THE AUDITOR.—The duties of the auditor, which are prescribed also by statute, are connected with the fiscal affairs of the State, of which he has general superintendence. It is his duty:

To make full reports to the General Assembly of **the income and expenditure of the State**, and to make suggestions to the Assembly for the improvement and management of the public revenues.

To direct and superintend the **collection of all moneys due to the State**, to settle with sheriffs, tax collectors, and other persons indebted to the State, and to certify to the treasurer all amounts due.

To examine all money claims against the State, and to issue his warrant on the treasurer for payment, if there is authority of law for such payment.

To prepare blanks to be used in assessing and listing property for taxation. On the blanks he enters the headings of the various subjects for taxation which are mentioned in the revenue laws, and he sends the blanks to the county commissioners of all the counties of the State. (Our system of levying taxes is explained in Chapter X.)

39. THE TREASURER.—The treasurer's duty, prescribed by statute law, is

To receive all moneys paid into the treasury of the State.

To keep a bank-book, in which shall be entered an account of his deposits of money in, and drawings of money from, the banks, and to exhibit the book to the auditor for his inspection on the first Tuesday in every month, and oftener if required.

To make all payments for which he has received legal warrants from the auditor. (No money can be paid out of the treasury except on the auditor's warrant.)

To send to the General Assembly statements showing the amount of money received, and the amount expended, by the treasury during the preceding fiscal years, and showing the balance in the treasury to the credit of the State.

The treasurer is *ex officio* treasurer of the hospitals for the insane, and of some other public institutions for which the General Assembly makes appropriations.

Valuable Reports.—The auditor's and treasurer's reports to the General Assembly contain information of the amount of property in the State, and information regarding subjects of taxation ; that is, property upon which taxes may be or are assessed. These reports are, therefore, of great use to the members of the Assembly in the consideration and discussion of proposed revenue laws.

40. THE ATTORNEY-GENERAL.—The attorney-general is the law agent and law adviser of the Executive department. It is his duty :

To represent and act for the State in all law cases in which the State is interested.

To give his opinion and advice on all questions of law submitted to him by the General Assembly, or either of its houses, or by the governor, auditor, treasurer, or other principal State officer.

To consult with and advise the solicitors when requested by them, on business relating to the duties of their offices.

When any citizen has occasion to take law action against any person, or when he needs advice on a question of law, he employs and pays a lawyer to take the action for him, or to give him the advice required. The attorney-general is the officer who **gives advice on law to the General Assembly**, and to the heads of the different branches of the Executive department, and who conducts or defends law actions in the courts on behalf of the Executive department, whenever there is occasion for it.

41. THE SUPERINTENDENT OF PUBLIC INSTRUCTION.—The public school law, enacted by the General Assembly, requires that

“The Superintendent of Public Instruction shall **direct the operations of the public schools**, and enforce the laws and regulations relative thereto.”

It is the duty of the superintendent :

To see that the public schools of the State are properly managed and conducted.

To keep himself informed as to the financial and other needs of the schools ; and

To report to the General Assembly, through the governor, making such **recommendations for the improvement of the schools** as he may deem wise.

42. THE COUNCIL OF STATE.—The Council of State consists of the secretary of State, the auditor, the treasurer, and the superintendent of public instruction. It is the duty of the council **to advise the governor** in matters relating to the business of his office. Their advice and proceedings as a council are recorded in a book or journal, and the journal is placed before the General Assembly when called for by either house.

THE BOARD OF RAILWAY COMMISSIONERS.—Three men constitute this board. They are elected by the General Assembly for six years. Their terms are arranged so that one is elected every two years. Their duties are prescribed by the General Assembly. They have the general supervision of the railroad and other transportation companies in the State, and also of the telegraph and telephone companies. Complaints as to violations of law by these companies may be made to this board, which has large powers to redress wrongs as well as to fix rates of transportation of freight and passengers. They also value for taxation the property of these companies.

THE COMMISSIONER OF LABOR STATISTICS.—This officer has for his duty the collection and publication of information about labor and capital. The object principally aimed at is to set forth the wages paid men and women who labor in the various industries of the State, their educa-

tional and social condition, and their relation to capital—all with the view of devising means of promoting the harmony and prosperity of all classes of the people, and of reconciling the conflicts between labor and capital. The commissioner is appointed by the governor, with the consent of the Senate.

STATE GEOLOGIST, LIBRARIAN, ADJUTANT-GENERAL.—
The State geologist is required to make a thorough survey of the State and make reports, in order to bring into notice the minerals, water-powers, timber, and other resources of the State.

The librarian has charge of the State Library, which is kept in the Supreme Court building in Raleigh. He is under the supervision of the governor, secretary of State, and the superintendent of public instruction.

The adjutant-general has charge of the State Guard. He is appointed by the governor, and is under his control as commander-in-chief.

TOPICS FOR EXAMINATION AND REVIEW.

- 33.** The executive department has charge of **the execution of the laws**. It consists of the governor, lieutenant-governor, secretary of State, treasurer, auditor, superintendent of public instruction, and attorney-general. **All are elected by the voters** of the State, and hold office for four years.
- 34.** The governor must be at least thirty years of age, a citizen of the United States for five years, and a resident of North Carolina for two years next before election. He can hold the office **for only one term in eight years**.
- 35.** The governor **must take an oath** or make affirmation that he will **support the Constitution** and laws. He must reside at the seat of government. He must give information on State affairs, and recommend needed laws to the General Assembly. He **can grant reprieves, commutations, and pardons**. He is commander-in-chief of the militia. He **must take care that the laws are faithfully executed**. He may be impeached for violation of duty. The Senate, with the chief justice presiding, is a

court of trial. A two-thirds vote convicts. If convicted he may be removed from office and disqualified for office in the State.

36. The lieutenant-governor must have **same qualifications as governor**. He is **president of the Senate**, but can vote only when there is an equal division. He **may become governor** if the governor is convicted on impeachment, if the governor fails to qualify, is absent from the State, is unable to discharge the duties, if the office of governor becomes vacant.
37. The secretary of State **has the laws printed in volumes** and sent to public officers of the State. He issues and keeps records of grants of public lands. He supplies fuel and stationery to public departments. He examines the affairs of insurance companies.
38. The auditor **superintends the fiscal affairs** of the State. He reports the income and expenditure to the General Assembly, and suggests improvements of the revenue. He issues warrants to the treasurer to make payments authorized by law.
39. The treasurer receives all moneys paid into the treasury. He **keeps an account of moneys deposited in and drawn from bank**, and he exhibits the bank book to the auditor once a month. He reports annually to the General Assembly the amounts received and expended during the fiscal year.
40. The attorney-general is **the law agent of the executive department**. He acts for the State in all law cases in which the State is concerned. He gives law advice to the General Assembly, to the executive departments, and to the solicitors.
41. The superintendent of public instruction **enforces the laws relating to the public schools**. He sees that the schools are properly managed, and he makes recommendations for the improvement of them.
42. The Council of State is composed of the secretary of State, auditor, treasurer, and superintendent of public instruction. It **advises the governor** in the business of his office.

CHAPTER VI.

THE JUDICIARY.

DERIVATION AND EXPLANATION OF TERMS.

Corruption. (Latin *con*, together, and *ruptus*, broken.) In a special sense, dishonesty such as the buying or selling of a public office ; a violation of duty for a consideration.

Judiciary. (Latin *judiciaria*, from *judicium*, judgment.) “The system of courts of justice in a government.”—*Webster*. All the courts of the State taken together constitute the judiciary of the State.

Lower Court. A court from

which an appeal is or may be made to another court, which would be the *higher* court.

Penitentiary. (Latin *pœnitere*, to repent.) An institution in which persons who commit crime are confined for punishment and reformation.

Work-house. “A house in which idle and vicious persons are confined to labor ; a house where the poor are maintained at the public expense.”—*Webster*.

43. The judiciary department of the State consists of the various courts in which justice is administered in accordance with the Constitution and the laws. The Constitution prescribes that

“The judicial power of the State shall be vested in a court for the trial of impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other courts inferior to the Supreme Court as may be established by law.”

44. COURT OF IMPEACHMENT.—All impeachments are tried by the Senate, but the power of impeaching, that is, of making the charge against the person to be impeached,

is vested only in the House of Representatives. To impeach means **to charge a public officer with misconduct in office.** It is the House of Representatives alone that has authority to do this with the view to impeachment. A State officer may be impeached on any of the following charges :

Corruption or other misconduct in his official capacity.

Habitual drunkenness.

Intoxication while engaged in the duties of his office.

Drunkenness in any public place.

Mental or physical incompetence to discharge the duties of his office.

Any criminal matter, conviction whereof would tend to bring his office into contempt.

The House of Representatives makes out the charges against an officer who is to be impeached, and presents them to the Senate. A trial then takes place, the Senate being the court. Witnesses are examined, as in cases before ordinary courts of trial. A vote of two-thirds of the senators present is required for conviction. If the accused officer is convicted, that is, if two-thirds of the Senators present vote that he is guilty, the Senate may remove him from office, and pronounce him disqualified to hold any office of honor, trust, or profit under the State. This is **the severest sentence** the Senate has power to pronounce on an officer found guilty on impeachment, but the impeached officer may, after conviction and sentence by the Senate, be indicted and prosecuted in another court, if his offence is such as would render any other citizen liable to prosecution.

The object of impeachment is not so much to punish, as to remove from the public service, officers who are corrupt, or whose conduct is disreputable. It is left to the other courts to prosecute and punish the offender, after his removal from office, if his offence is a violation of law. Conviction and sentence on impeachment is, however, a very severe punishment, because of the disgrace that attaches to it.

45. THE SUPREME COURT.—As its title indicates, the Supreme Court is the highest court of the State. It is composed of **a chief justice and four associate justices**. They are each elected for a term of eight years, by the qualified voters of the State, the candidate having a plurality of votes being elected.

The Supreme Court is vested with **powers of very great importance**. One of the most important is that of deciding, when appealed to, the question whether or not a law enacted by the General Assembly is in accordance with the Constitution. The General Assembly has no power to make a law which violates the Constitution in any particular. But without intending to do so the Assembly may pass a law, some parts of which may be against the Constitution. The members of the Assembly who vote for the law may not be aware that there is anything unconstitutional in it. If, however, it is discovered, after its enactment, that it contains some provision which the Constitution forbids, and if the Supreme Court is appealed to on the question, it will examine the law and give its decision. Should the decision be that the law is unconstitutional, it is null and void.

The Supreme Court is **the highest court of appeal**, not only on questions relating to the Constitution, but on questions relating to the statute and common law. Such questions frequently arise in the trial of cases in the lower courts. The statute laws are very numerous, and

many of them are very complicated. It is not surprising, therefore, that judges and lawyers often differ in their interpretation of the law. In such cases an appeal may be made to the Supreme Court. The Supreme Court has power to review any matter of law, or interpretation of law, in any case in which an appeal is made to it from the lower courts. It does not inquire into questions of fact, such questions being for juries to decide. There is **no jury in the Supreme Court**. It has nothing to do with the business of inquiring whether a person charged with crime is guilty or not guilty. Its business is to interpret and declare the law in cases brought before it on appeal.

All the decisions rendered in the Supreme Court, and the reasons given for those decisions, are put in writing, and they are printed in books by the public printer. These books are on sale in the office of the Secretary of State. They are of **great value to judges and lawyers** as books of reference for guidance in the interpretation of the law.

The Supreme Court holds sessions twice a year in the Supreme Court-room in Raleigh.

46. THE SUPERIOR COURTS, CRIMINAL COURTS, AND INFERIOR COURTS.—The Supreme Court holds its sessions only in Raleigh, but Superior Court sessions are held in various parts of the State. There are **twelve Superior Court judges**. All of them are elected by the qualified voters of the State, and each holds office for a term of eight years.

For judicial purposes the State is divided into **twelve judicial districts**. Though all the twelve judges are elected by *all* the voters of the State, each is elected for a particular district, and each must reside in the district for which he is elected. The Constitution directs that a Superior Court shall be held in each county at least twice

in each year, and be presided over by one of the Superior Court judges. No judge can preside in the same district oftener than once in four years, unless it becomes necessary through the illness of one or more of the judges.

The requirement of the Constitution that "no judge shall hold the courts in the same district oftener than once in four years" is **a wise provision**. The judges must travel over the districts. Each during his term of eight years will hold court in every county. He is thereby afforded opportunity of becoming acquainted with the manners and customs of the people in the different sections of the State. The knowledge and experience thus gained increase his efficiency for the public service.

CRIMINAL COURTS.—In a few counties the General Assembly has established **criminal courts**. They are so named because their jurisdiction is confined to the trial of criminal offences. No civil causes are tried in these courts. In the acts establishing them the General Assembly provides the way to select the judge and other officers. These courts have the grand jury and the trial jury, and as to the trial of criminal causes they take the place of the superior courts. They seem to be needed only in counties of large population and in which there are cities. Under such conditions there are more crimes committed, and it may be cheaper to the people to support these courts for speedy trial than to confine the prisoners in jail to wait months until the term of the Superior Court.

INFERIOR COURTS.—For the same reasons that in some counties there are **criminal courts**, other counties have **inferior courts**. Under a general statute the General Assembly has authorized the justices of the peace of any county to establish inferior courts for the trial of criminal causes. If a majority of the justices think it best they establish an inferior court, and elect three persons to preside over it, one of whom is chosen **presiding jus-**

tice. These courts also have the grand jury and the trial jury, and they take the place of the superior courts in the trial of persons charged with a large number of crimes. Their jurisdiction is fixed in the general statute, and does not extend to murder, arson, burglary, perjury, forgery, and some other crimes. But few counties have established these courts.

PROCEDURE IN THE COURTS.—The courts are open to the public, and as many citizens may be present during court business as can be conveniently accommodated in the room in which the court is held. On the first day of a term of court the judge charges, that is, addresses, the grand jury. He explains to them their duties, and instructs them as to the statute and common law bearing on such questions as they may have to consider in making presentments and indictments.

The judges' charges to grand juries are **useful information for the people** as well as for the jurors. By listening to them, or reading reports of them in the newspapers, we may learn much about the laws and about our duties as citizens.

After the judge's charge, the grand jury retire, and take up and consider the various cases of violation of the criminal law which they know of, or of which they may be informed. (The form of grand jury procedure and the duties of the trial jury have already been explained. See Chapter IV.)

In the jury trial there are usually **witnesses on both sides**. One set of witnesses is brought up to give evidence against the accused, and another set to give evidence in his favor. Each witness before giving evidence must swear or affirm that he will "**tell the truth, the whole truth, and nothing but the truth.**" The witnesses are examined by the lawyers on both sides according to rules of evidence which have been established by centuries of

usage and practice in courts of law, and are based on principles held to be the best for the purpose of ascertaining the truth.

There is usually much questioning and cross-questioning of witnesses in the course of a jury trial. This is necessary owing to the fact that witnesses are often prejudiced in favor of one side or the other, and it is sometimes difficult to get from them the whole truth. There are two kinds or forms of examination of witnesses, **direct examination** and **cross-examination**. The examination by a lawyer of a witness whose evidence is expected to be favorable to the person for whom the lawyer is acting is direct examination. After the direct examination the witness is questioned by the lawyer on the other side. This is cross-examination.

Points of law that arise during the examination of witnesses are decided by the judge. The lawyers often "except" to the judge's decision. They also often except to the judge's explanation of law to the jury. Such exceptions form the **ground of appeal** to the Supreme Court.

The superior courts are always open. There must be at least two terms every year in each county, but the larger counties have more than two terms annually. In the intervals between the terms the courts are open for the transaction of all business within their jurisdiction except trials in which there is an issue or question of fact requiring a jury. All the civil actions of which the superior courts have jurisdiction are instituted (begun) before the opening of the term of court at which they are triable. Summonses may have to be served on witnesses, and other preparatory work done in order that the cases may be fully ready when called for trial. This preparatory business is transacted under the direction of the Superior Court clerk, who is always in attendance at his office in the court-house of his county.

Civil actions are matters of dispute or difference between citizens, such as claims for money due, questions as to title to property, etc.

47. THE SOLICITOR.—The solicitor is the officer whose duty it is to prosecute all criminals. In every case of violation of the criminal law he must see that the person charged with the crime is brought to trial, if there is evidence that the person is guilty. He must prepare bills of indictment to be sent to the grand jury. At the trial before the judge and jury he examines the State's witnesses, and cross-examines the witnesses for the accused. He presents all the evidence he can to prove that the accused is guilty, and he explains and urges the case against him, in an address to the jury.

State's witnesses are the witnesses called by the solicitor to give evidence against a person on trial for crime. **Defendant** and **plaintiff** are terms used in trial cases. The person who takes action against another is the plaintiff or complainant ; the person against whom the action is taken is the defendant. In the trial of criminals the State is the plaintiff.

Besides prosecuting criminals, on behalf of the State, or people, the solicitor gives advice, when necessary, to the other officers of justice in his district. There is a **solicitor** for each of the **twelve judicial districts**. He is elected by the voters of the district in which he serves, and he holds office for a term of four years. He must be a lawyer.

48. PUNISHMENTS.—To enforce the laws, punishments are necessary. If there were no punishments, evil-disposed persons would not be afraid to commit crime. The Constitution prescribes certain punishments as the only punishments that shall be inflicted in this State. They are :

“Death, imprisonment, with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State.”

Subject to this limit the General Assembly has full power to fix the kind and degree of punishment for different classes of crime. For example, the punishment in this State for murder and burglary and some other crimes is death by hanging; but the General Assembly has power to make imprisonment for life the punishment for these crimes, as our State Constitution says that they *may* be punished with death, not that they *shall* be.

PENAL ESTABLISHMENTS.—Convicted criminals, except such as are put to death, are punished in establishments provided and maintained by the State or the counties for that purpose. In some counties there are **workhouses**. In every county there is a jail, and in Raleigh there is a **penitentiary**. When a criminal is convicted, and sentenced by a judge, he is taken to some one of these establishments, where he must undergo the punishment to which he has been sentenced, unless his sentence is commuted, or unless he is pardoned.

There may sometimes be good reasons why the sentence of the court ought not to be carried out. **New evidence may be discovered**, showing, either that the convict is innocent, or that he does not deserve so severe a punishment as that to which he has been sentenced. In such cases the governor may exercise the power vested in him by the Constitution “to grant reprieves, commutations, and pardons.” If a pardon is granted, the prisoner is discharged from custody.

Imprisonment in the penitentiary with **hard labor** is the severest punishment inflicted in the State, except death. The hard labor may be within the penitentiary buildings, or it may be outside, on farms, railroads, or other public or private works. In case the hard labor is outside the penitentiary, the convicts, while at such labor, must be under the supervision and control of some officer of the State. It is expected that the labor of convicts

shall be so managed that the value of the proceeds shall cover the cost of their own support. When hired outside, their work is paid for by those for whom it is done, and the money is used in defraying the cost of maintaining the penitentiary.

The penitentiary is managed by a **board of directors** and a **superintendent**. Reports, giving particulars of its working and condition, are issued for the information of the General Assembly and of the people.

THE JUDGE'S DISCRETION.—In the matter of the amount of punishment in particular cases, judges have considerable discretionary power. The General Assembly fixes for each sort of crime the greatest and the least punishment, such as the longest and the shortest term of imprisonment, or the highest and lowest fine. It is left to the judge to use his discretion within the limits prescribed. For example, if the law says that the punishment for a certain crime is to be not more than ten nor less than two years' imprisonment, the judge, in sentencing a person found guilty of such crime, may sentence him to imprisonment for any number of years between two and ten.

The discretionary power of judges is a **just and wise provision** of law. It may be that of two persons found guilty of the same sort of crime, one deserves more punishment than another. One may be an old offender, a person who has frequently committed crime, while the other may be a person who has never committed crime before. Manifestly it would not be just to inflict the same punishment on a person who has offended only once, as on a habitual and hardened criminal. The judge knows all the facts and circumstances of the case investigated before him. He is, therefore, able to estimate what degree of punishment, within the legal limits, justice requires in each case.

TOPICS FOR EXAMINATION AND REVIEW.

- 43.** The judiciary consists of **the courts of justice**, the Senate for impeachments, the Supreme Court, the superior courts, the jus-

tice of peace courts. Other courts are established by General Assembly.

44. State officers may be **impeached** for corruption, for drunkenness, for incompetence. The House of Representatives impeaches. **The Senate** is the **trial court**. Punishment, if convicted, removal from and disqualification to hold office.
45. The Supreme Court is **the highest court of the State**. It is composed of a chief justice and four associate justices. They are elected by the voters of the State for **a term of eight years**. The Supreme Court decides whether laws are constitutional. It hears and **decides questions of law** on appeals from the lower courts.
46. There are twelve **Superior Court judges**. They are elected for eight years by the voters of the State. A Superior Court term must be held in each county at least twice a year. The courts are open to the public. Form of procedure in courts: the judge charges the grand jury; witnesses are sworn to tell the truth; they are examined and cross-examined; the judge decides points of law; his decisions may be excepted to, and appeal made to Supreme Court. Criminal courts presided over by judges, and inferior courts presided over by three justices, are established in some counties for trial of criminals only.
47. The solicitor **prosecutes criminals**. He gives advice to officers of justice in his district. There are twelve solicitors, one for each of the twelve judicial districts. Each solicitor is elected by the voters of the district in which he is to serve.
48. Punishments. The only punishments in this State are **death, imprisonment, fine**, and removal from and disqualification for office. The judge has discretionary power in passing sentence. Criminals are punished in **workhouses, jails**, and in the **penitentiary**. Penitentiary prisoners may be put to hard labor outside. The penitentiary is managed by a board of directors, who report to the General Assembly.

CHAPTER VII.

COUNTY GOVERNMENT.

DERIVATION AND EXPLANATION OF TERMS.

Administrator. (Latin *ad*, to, and *ministrare*, to serve.) One who administers or manages the estate or property of a person who has died without making a valid will, or one who manages the property of a testator when there is no executor competent to manage. A **testator** is one who makes and leaves a will at death. The **executors** are the persons named and authorized in the will to *execute* it ; that is, to do what is directed in it. A **will** is a declaration or statement, usually in writing, in which a person expresses his wish (his *will*) as to the way in which he desires his property to be disposed of after his death.

Articles of Agreement. The written terms or conditions of agreement on any matter between two or more parties.

Bond. Something that *binds*. (For explanation and example of the meaning of this word, see p. 000.

Capias. (Latin for *you may take*.) A *capias* is a writ or order authorizing or commanding an officer to arrest (to *take*) the person

named in the writ, which is called a *writ of capias*.

Countersign. (Latin *contra*, against.) To sign on the opposite side ; to put on a written or printed document a signature in addition to that of the principal person who signs. The Secretary of State countersigns letters and other papers relating to State affairs, which are issued by the governor.

Deputy. A person who is *deputed* to act in the place of another.

Deputy Sheriff, a person appointed to assist the sheriff in his official work.

Execution. A writ giving an officer power to carry out (to *execute*) an order or judgment of court.

Fund. (Latin *fundus*, a foundation.) “A sum of money appropriated as the *foundation* of some commercial or other operation by means of which expenses are supplied.”—*Webster*.

Guardian. One who *guards*, or has the care of, the person or property of one who is not able to manage his own affairs. The

courts often appoint guardians for infants and orphans.

Incorporation, Act of Incorporation. (Latin *corpus*, a body.) For explanation of these terms, see Chapter XI.

License. (Latin *licere*, to be lawful.) Permission, or authority of law, to carry on some business, as selling gunpowder or alcoholic liquors. The paper or document in which such authority is given is called a *license*.

Poll-tax. (German *polle*, the head.) A tax levied on persons (per head) as distinguished from property. It is also called a **Capitation tax.** (Latin *caput*, the head.)

Probate. (Latin *probare*, to prove.) Proof that a will is valid ; that is,

the lawful act of the deceased. To be legally valid a will must be examined and probated (*proved*) in court.

Real Estate. Fixed or immovable property, as land or houses.

Personal property is money, furniture, or other movable goods.

Title to real estate is right of ownership. A **Title Deed** is a paper certifying that a person is the lawful owner of certain real estate.

Suit. (French *suivre*, to follow.) An action in court for the recovery of a right ; the *following* up or pursuing of a right or claim.

Toll. (Anglo-Saxon *toll*, that which is counted out in payment.) In law, money taken for using a bridge, road, etc.

49. The General Assembly has divided the State into counties, and it may change county lines, or form new counties out of the territory of those already formed. Each county has likewise been divided into townships. Every county in the State has public officers to carry out the law within its own limits.

CLERK OF THE SUPERIOR COURT.—For every Superior Court there is a clerk, who is elected by the qualified voters of the county, and holds office for four years. His duties are numerous. During the term of court it is his duty :

To write an account of the proceedings of the court.

To administer oaths to the jurors and witnesses.

To record the verdicts of juries.

To **issue the various papers** that may be ordered by the court.

To **receive presentments and indictments** from the grand jury.

In the intervals between terms of court it is the duty of the clerk to **carry into effect orders of the court**, and make preparation for next term.

He must make out bills of cost, issue **executions, summonses, and capiases**.

He must enter in books the particulars of appeals to the Superior Court from justice of peace courts, and of appeals from the Superior Court to the Supreme Court.

He **must make up the docket**; that is, a list of the cases for next term; and keep in his possession the papers relating to the cases.

He **probates wills**, appoints administrators and guardians; examines the accounts of administrators, guardians, and executors, and makes final settlement with them.

He **records articles of agreement** or incorporation, and performs other duties assigned to him by the laws.

50. THE SHERIFF.—There is a sheriff for each county. He is elected by the qualified voters of the county, and holds office for two years. It is his duty:

To **bring into court** the persons who are to be tried for crime, and also the jurors and witnesses.

To **serve summonses** on persons who are required to give evidence, or to attend in court for other business.

To **arrest persons** who fail or refuse to come to the court when summoned.

To **take to the penitentiary persons** who are convicted and sentenced.

To **take persons to the county jail**, and see that they are held in custody as long as the law requires.

To **collect fines and costs**.

To **sell property of persons** who fail or refuse to pay fines or costs, or who fail or refuse to pay debts, as ordered by the court, the money obtained through such sale to be used for payment of the fines, costs, or debts.

To **"keep the peace ;"** that is, to suppress riots and disturbances.

To **execute the orders of the court** both in term time, and at all other times, and in doing so, the sheriff may employ force if necessary.

In cases of riot or public disturbance of the peace, **the sheriff must act promptly**, without waiting for orders from the court or any other authority. The law gives him authority to **"command the peace."** He may arrest all persons who are disturbing the peace. If necessary he may call upon any citizens to assist him, and citizens are bound by law to give such assistance when required.

In most of the counties the sheriff collects the taxes, but in some counties the taxes are collected by other officers. The sheriff has authority to appoint **deputy sheriffs** to assist him in the performance of his duties.

THE CORONER.—Every two years a coroner is elected by the qualified voters of the county. His principal duty is to hold **inquests** over the dead bodies of persons who may have come to their death by the criminal act of some

person. He summons a jury, and, after due examination of the dead body and of the witnesses, makes a report, in accordance with the jury's verdict, as to how the person came to his death, and who are the guilty person or persons, if that has been ascertained. Should he ascertain who are probably guilty, they are delivered to the sheriff to be committed to jail to await trial. It will, therefore, be seen that government considers life so valuable, and the duty to protect it so great, that no dead body is allowed to be buried, about which there is any suspicion of violence, until its death is satisfactorily accounted for, so far as that is possible, and evidence taken to convict any person who may be guilty.

If for any reason there should be no sheriff, the coroner acts as sheriff. If suit is brought against the sheriff, the coroner serves the papers on him.

51. JUSTICES OF THE PEACE.—Justices of the peace are judges who **preside in the lowest courts.** The cases in which they have jurisdiction are cases in which the crime charged is not very serious, or the amount of claim or property in dispute not large. But nearly all cases of crime are, in the first instance, brought into the courts of **justices of the peace.** If the crime charged is not a serious one, the justice tries the case; if the crime charged is of a serious character, he, after a brief inquiry into the facts, sends the case for trial to the Superior Court.

Justices of the peace are **not elected by the voters** of the State. They are elected by the General Assembly, and hold office for six years. The elections are so arranged that at each biennial session of the Assembly there is an election of one-third of the total number of justices. Every township has at least three justices of the peace. Townships which contain cities or towns have more than three. (Amended, see note, p. 117.)

The Constitution prescribes **some of the duties** and powers of **justices of the peace**. Within the county in which he acts, the justice of the peace has jurisdiction

In all cases of crime, the punishment of which does not exceed a fine of fifty dollars, or imprisonment for thirty days.

In all civil actions founded on contract, when the amount demanded is not more than two hundred dollars, and where there is no dispute about title to real estate.

In any case brought before him, in which he has jurisdiction, a justice of the peace may, if either of the parties in the case desires it, summon a **jury of six men** to try any issue or question of fact that may be raised in the case.

In all cases tried by a justice of the peace, the party against whom judgment is given may appeal to the Superior Court, and have the case retried in that court.

The justice of the peace makes records of all proceedings in his court, and files them with the clerk of the Superior Court of his county. He keeps a docket in which, as required by law, he makes entries of cases brought before him, and he issues summonses for witnesses, and other papers necessary for the transaction of business in his court. Summonses, and other papers issued by a justice of the peace, are served by the constable upon the persons for whom they are intended. The sheriff or his deputy may also serve papers issued by justices of the peace.

The **constable** is an officer who performs duties in connection with a court of justice of the peace similar to those performed by the sheriff in connection with the Superior Court. He is elected every two years by the voters of his township.

All the justices of the peace of each county confer once a year with the county commissioners to assess taxes, and transact other county business in which the commissioners have not sole jurisdiction. The justices have also to see that **the public roads** of the county are maintained in good condition.

Justices of the peace have authority to "**command the peace.**"

They may call upon citizens to assist them in preserving the peace, and if crime is committed in their presence they may send the offender to jail to await trial.

52. COUNTY COMMISSIONERS.—A large part of the government of counties is assigned by the General Assembly to the boards of county commissioners. This board has **very considerable powers** and very important duties. It is composed of five or of three men, who are elected by the justices of the peace of their county. The justices may make the number of the board five or three as they think necessary. The board meets for the transaction of business on the first Monday in every month. Among its duties are the following (amended, see note, p. 117) :

To **build court-houses and jails**, and keep them in good condition.

To order the making of **public roads and bridges**, and the establishment of **ferries**.

To provide suitable houses and **support for the county poor**.

To provide money for the **support of the public schools** in addition to that provided by the General Assembly.

To appoint **registrars and inspectors** (or judges) to hold elections.

To appoint **assessors and list takers** under the revenue laws.

To act with the justices of the peace in **assessing county taxes**. (Amended, see note, p. 117.)

To regulate the rate of **tolls for ferries**.

To provide **dockets** for justices of the peace, and **books** and **other stationery** for the Superior Court clerk's office.

To **draw jurors** for the superior courts. (The drawing of jurors is explained in Chapter IV.)

To **grant licenses** to carry on certain trades that require license.

To elect a sheriff, coroner, or a register of deeds **when a vacancy occurs**.

To **approve the bonds** of the sheriff, treasurer, or other county officers.

To **bring action** when necessary on the bonds of county officers.

To **publish annually** a statement of receipts and expenditure of county funds.

A bond in the sense of the word as used above is a security against the possible dishonesty of public officers. Treasurers, sheriffs, and other officers have the handling of public money. If they are dishonest they may use some of the money for their private purposes. To protect the public against such dishonesty, treasurers and other officers are required to give bonds before entering on their duties. The bond is a written pledge or promise by some person that he will be responsible, up to a certain amount, for any dishonesty on the part of the officer. The person who becomes responsible is called **a bondsman**. There is always a certain amount of money specified in the bond, and the bondsman or bondsmen cannot be required to pay more than what is specified. For example, if a treasurer should dishonestly use \$20,000 of public money, and if his bond is for \$10,000, the bondsmen have to pay only the latter sum. A bond for a large sum is required of officers who have the handling of much public money, and the bondsmen must be persons who are known to have property sufficient to enable them to pay the amount of the bond, if necessary. It is the duty of the county commissioners to approve the bonds of sheriffs and

other officers ; that is, to examine them and see that they are legally drawn up, and that the bondsmen are persons of sufficient property. To "**bring action**" on a bond is to take action at law against the bondsmen for the recovery of the money, should they refuse to pay, in the event of defalcation by the officer for whom they are responsible.

The county commissioners are the **custodians of the public buildings** and property of the county, and the public interests of the county are, to a large extent, under their guardianship.

53. THE REGISTER OF DEEDS.—Each county has a register of deeds. He is elected by the qualified voters of the county, and holds office for two years.

The register is the **clerk of the board of county commissioners**. He makes records of all the business of the board, he issues its orders and notices, publishes its annual financial statement, and takes charge of its books and papers. It is also the duty of the register :

To register **deeds, mortgages**, and other papers ordered to be registered.

To **make copies from the records** when required.

To correct and **prove the tax list**, and make two copies of it.

To **compute the taxes**, and make out and send to the State auditor an abstract of listed taxes.

To **list and compute merchants' taxes**.

To keep a **list of all license taxes**, and send an abstract of it to the State auditor.

To send annually to the State auditor an **account of the sheriff's indebtedness** for State taxes.

To issue **marriage licenses**.

To **countersign licenses** to practise certain trades.

To act as **entry taker**.

To act as **ranger**.

To issue relief papers to all who are **exempted from poll-tax.**

54. COUNTY TREASURER.—Some of the counties have each a treasurer, who is elected by the qualified voters of the county, and holds office for two years. In other counties the sheriff acts as treasurer. He does so by the authority of the justices of the peace, conferred upon them by the General Assembly.

It is the duty of the treasurer :

To **receive** and take charge of **all public funds** of the county, and to make, under the direction of the county commissioners and the county board of education, such payments as the law authorizes.

55. COUNTY BOARD OF EDUCATION.—In each county there is a board of education. It is composed of three persons, who are elected by the justices of the peace and the county commissioners, and hold office for two years. It is their duty (amended, see note, p. 117):

To divide the county into convenient **school districts.**

To appoint, every two years, a **school committee** from each district.

To **apportion the school money** to the districts, annually, and to notify each committee of the amount assigned for its use.

To see that the county superintendent of public instruction **discharges his duty.**

To **audit all accounts** of expenditure of **school funds.**

To present every year to the county commissioners a **statement** showing how much money is necessary for the proper support of the schools.

To see that **all school funds** are paid to the county treasurer.

To see that **schools are open** in all the districts, and that suitable school-houses are built and kept in proper repair.

56. SCHOOL COMMITTEES.—Each school district has a school committee, which is composed of three members, who are appointed by the county board of education for a term of two years. It is the duty of the school committee:

To **build** suitable **school-houses** and keep them in repair.

To **appoint teachers**.

To **take** the **census** of school children; that is, to have a count made of the number of children of school age in the district.

The school committee has general supervision of the schools in its district. It is required to have the **schools open in the district** for as long a period every year as the money apportioned to the district will permit.

57. COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION.—There is a superintendent of public instruction for each county. He is elected every two years by the justices of the peace of the county, the county commissioners, and the county board of education, the three bodies sitting in joint meeting for the election. Among the duties of the county superintendent of public instruction are the following (amended, see note, p. 117):

To serve as **secretary** to the county board of education.

To **keep** the **board informed** as to the condition of the schools of the county, and to recommend

to the board such improvements of the schools as he may deem desirable.

To **examine candidates** for the office of teacher, to **furnish certificates** to successful candidates, to instruct the teachers in their duties, and to supervise their work during the terms of the schools.

To **countersign orders** of school committees on the county treasurer for school moneys.

To make statistical **reports on the schools** of his county to the State superintendent of public instruction.

To obey the lawful directions of the county board of education, and of the State superintendent of public instruction, in all matters relating to his official duties.

TOPICS FOR EXAMINATION AND REVIEW.

- 49.** The State is divided into counties, and the counties into townships. There is a **clerk for every Superior Court**. He is elected by the voters of the county. He holds office for four years. It is his duty to record the court's proceedings, and to administer oaths to witnesses and jurors. In the intervals between court terms he executes the orders of the court, and prepares for next term. He issues summonses and capiases. He records appeals. He probates wills, and grants articles of agreement or incorporation.
- 50.** The sheriff is elected every two years by the voters of the county. It is his duty to bring to court jurors, witnesses, and persons to be tried, to serve summonses, to take convicts to prison, to collect fines and costs, to maintain the peace, to **execute the decrees of court**. The sheriff may appoint deputies to assist him. There is a coroner for every county, elected by the voters of the county every two years. He holds inquests over dead bodies, and acts as sheriff when there is no sheriff. When suit is brought against the sheriff, the coroner serves the papers.
- 51.** **Justices of the peace** preside in the **lowest courts**. They are elected by the General Assembly, and hold office for six years. They have jurisdiction where the punishment is not more than a

fine of fifty dollars, or thirty days' imprisonment, and where the claim is not more than two hundred dollars, and no dispute as to real estate title. They may "**command the peace**," send to jail persons who disturb the peace in their presence, and require citizens to aid them in maintaining the peace.

- 52.** There are three or five **county commissioners**. They are elected by the justices of the peace. They **build court-houses, jails, bridges, and roads**, and keep them in repair. They provide for the support of the poor, and in part for the public schools. They appoint election registrars and inspectors, and assessors and list takers under the revenue law. They act with the justices in assessing taxes. They are the **custodians of the public property** of the county. (¹See note to 52.)
- 53.** The register of deeds is elected every two years by the voters of the county. He is **clerk** to the **county commissioners**. He registers deeds and mortgages, copies records, makes tax lists, issues and countersigns licenses, and sends to the auditor of the State an annual account of the sheriff's indebtedness for taxes. (See p. 57.)
- 54.** Some counties have a treasurer, who is elected every two years by the voters of the county. In some counties the sheriff is treasurer. The treasurer **receives all public moneys** of the county, and makes payments as the law authorizes.
- 55.** The county board of education consists of three persons who are elected by the justices and the county commissioners, and hold office for two years. The board appoints district school committees, **apportions the school funds**, reports annually to the county commissioners as to the financial needs of the schools, **sees that schools are open** in all the districts, and that suitable school-houses are built and kept in repair. (²See note to 55.)
- 56.** The district school committee is composed of three members. They are appointed every two years by the county board of education. They **build schools** and keep them in repair, **appoint teachers**, and take the census of school children.
- 57.** The county superintendent of public instruction is elected every two years by the justices, the county commissioners, and the county board of education. He is **secretary** of the county **board of education**. He keeps the board informed on the condition of the schools, recommends improvements, examines candidates for the office of teacher, instructs teachers in their duties, and supervises their work. He **reports on the schools of his county** to the State superintendent of public instruction. (³See note to 57.)

CHAPTER VIII.

GOVERNMENT IN CITIES AND TOWNS.

DERIVATION AND EXPLANATION OF TERMS.

Charter. (Latin <i>charta</i> , a leaf of paper.) “An instrument in writing from the king, or other sovereign power, or from the legislature, executed with form and solemnity, bestowing rights and privileges; an act of incorporation.”— <i>Webster</i> .	prohibits an act as a crime and prescribes punishment for it.
City. (Latin <i>civis</i> , a citizen.) In the United States a town or community incorporated and governed by a mayor and aldermen.	Mayor. (Latin <i>major</i> , greater.) The chief magistrate of a city.
Criminal Law. A law which	Police. (Greek <i>polis</i> , a city.) A civil force organized for the preservation of order in a city or county.
	Village. (Latin <i>villa</i> , a country house.) “An assemblage of houses in the country, less than a town or city.”— <i>Webster</i> .

58. Where there is a dense population, breaches of the peace, serious crime, and disputes about property are more frequent. Therefore, as people come together in large numbers, and settle permanently in cities or towns, they find that they require not only a great many public officers, but laws and regulations and institutions that are not necessary in the country where the population is scattered.

The Constitution of North Carolina allows the General Assembly to make laws which will give **crowded communities** such **further security** for the preservation of the peace, and the protection of property, as they may require in addition to the general laws which apply to the whole State. Our State Constitution says:

“It shall be the duty of the legislature (the General Assembly) to provide for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.”

If any community desires to form itself into a town or city, it applies to the General Assembly for an **act of incorporation**. The proposal is put into the shape of a bill, which must pass both of the houses of the Assembly after the manner already explained. (See Chapter III., Part II.)

There is **no fixed number of people necessary to constitute a city or town**. The act of incorporation, or charter, gives the inhabitants certain powers, the nature and extent of which will be understood from an explanation of the duties of various city officers.

The act of incorporation provides for the election of officers, usually by the qualified voters who live within the boundaries specified in the act. The act also directs how often elections are to be held, whether once a year or less frequently.

If the people of a city or town desire to **extend its boundaries**, and make outlying villages or districts part of the city or town, they must apply to the legislature for an act authorizing such extension.

59. THE MAYOR.—The mayor is the chief public officer of a city or town. In some cities or towns the mayor is elected by the people; in others, the act of incorporation requires that the mayor be elected by the aldermen, who are sometimes called commissioners. The mayor is the **chief executive officer** of the city. It is his duty to see

that the laws or ordinances made by the aldermen, under the act of incorporation, are enforced. The State statutes give him, in the city, the same jurisdiction in all criminal cases coming under the general law as is given to justices of the peace, and persons convicted have the right to appeal to the Superior Court. The mayor holds court daily, or as often as may be necessary.

60. ALDERMEN, COMMISSIONERS, OR COUNCIL.—Board of aldermen, town commissioners, town council, are different designations used in different cities and towns for the board or body of men intrusted with the power of making city laws, which are called **ordinances** to distinguish them from the laws made by the legislature. The number of members of the board also varies. It is prescribed in the act of incorporation for each city or town. Naturally, the larger the city the greater the number of aldermen or councilmen.

The aldermen are elected by the voters of the city, and their ordinances may provide

For levying and collecting taxes for the support of the city government.

For the preservation of **order, cleanliness, health.**

For the establishment and maintenance of **fire departments, gas, electric-light, or water-works, sewerage.**

The powers of the aldermen are limited by the Constitution, the statutes and the act of incorporation, but they have **very extended authority** to make provision, by law or ordinance, for the needs of their city, which increase with its growth.

Alderman, meaning *elder* or *older* man, was a high distinction in former times in England. "The title was applied, among the

Anglo-Saxons, to princes, dukes, earls, senators, and presiding magistrates. There were aldermen of cities, counties, and castles, who had jurisdiction within their respective districts."—*Webster*.

61. OTHER TOWN OFFICERS.—Acts of incorporation usually provide for a town **marshal** or **constable**. The marshal has duties under the town government similar to those of the sheriff in the county.

In the large towns there are a great many **police**. They are usually appointed by the aldermen, and are under the direction of a **chief of police**. The duty of the police is to preserve order, and to protect property. They have authority to arrest any person they find in the act of breaking the peace, or otherwise violating the criminal law.

Acts of incorporation for towns usually give power for the formation of boards of **street commissioners** and **school boards**; for the appointment of tax assessors and collectors, and other officers that may be required. The larger the town, the more extensive the machinery needed for its proper government.

62. DOUBLE BURDENS.—People who live in incorporated towns pay more taxes, and are subject to more laws, than people who live in country districts. In town as well as in country, the State, county and school taxes must be paid, but in addition to these, people who live in towns must pay taxes for the support of the town government, which people in the country do not have to pay. In the towns, as well as in country districts, people must obey the State laws, but besides these, the people of the towns must obey the ordinances made by the aldermen. There is thus a double burden on the inhabitants of cities and towns, but there is also a **double benefit**. This will be seen when we consider the advantages and conveniences of residence in a city.

A person living in the city has usually a **good school** at only a short distance from his home. He has the physician near at hand. He is within hearing of his church bell. He has the society of near neighbors, and their help and sympathy when needed in sickness or distress. He has the daily mail and the daily paper bringing him information of the world's doings. He is in one of the many centres of social and literary culture. These and many other advantages the citizen of the town enjoys in return for the additional tax burdens to which he is subjected.

The organization of Civil Government makes it necessary for each individual to **surrender part of his freedom and property** in return for the united effort of the community, represented in government, to protect him in the enjoyment of his right to liberty, and in the free use of his property for his own and his family's welfare and happiness. The citizen of the town surrenders more than the citizen in the country, but he gets more in return.

It must not be supposed that the man who lives in the country is never subject to any of the town laws. He does not pay town taxes unless he owns town property, but when he visits the town and while he remains in it, he is subject to all its ordinances that relate to the personal conduct of its citizens. He may be arrested in the town by the sheriff for violation of the State laws, just as he may be in the country, and in the town he may also be arrested by the marshal or police for violation of the town laws. In like manner the person who lives in the town is liable to arrest by the sheriff, and is subject to the general State laws, as persons are who live in the country.

TOPICS FOR EXAMINATION AND REVIEW.

- 58.** Towns require more officers of government than country districts. Where there is a denser population there are more violations of law. The Constitution gives power for **incorporating towns**. An act of incorporation is passed by the General Assembly. No fixed number of people necessary to form a town or city.
- 59.** The chief public officer of a city is **the mayor**. In some cities the mayor is elected by the people, in others by the aldermen. It is his duty to see that the laws and ordinances of the city are executed. He holds court daily, or as often as necessary.
- 60.** The **aldermen, commissioners, or council** are elected by the voters. They make **ordinances** for taxation for supporting the city government, for preserving order, cleanliness, health, for maintaining fire departments, sewerage.
- 61.** The town **marshal** or **constable** does duties in the town similar to those of the sheriff. The **police** are under the direction of a chief of police. They are appointed by the board of aldermen. They preserve order. They have authority to arrest persons they see committing crime. **Tax assessors and collectors, street commissioners**, and other officers may be appointed in a town.
- 62.** People in towns have **double burdens**. They pay taxes that people in the country have not to pay, but they have advantages and conveniences not enjoyed by people living in the country.

CHAPTER IX.

CITIZENSHIP, ELECTIONS, AND POLITICAL PARTIES.

DERIVATION AND EXPLANATION OF TERMS.

Alien. (Latin *alius*, another.) A person not born in, and who is not a citizen of, the country in which he resides ; one who belongs to *another* country.

Ballot. (French *ballotte*, a little ball used in voting.) At one time black and white balls were used for voting, white balls counting for, and black balls against, a man. In our elections slips of paper are used for voting, but are called by the old name ballots.

Felony. (Latin *felonia*.) A crime for which the punishment is death or imprisonment.

Franchise. (French *franc*, free.) "A particular privilege conferred by grant from a sovereign or government, and vested in individuals."—*Webster*. The right of voting in political elections is called the *franchise*, or the elective franchise.

Naturalize. (Latin *natus*, born.) To confer upon a foreigner the rights and privileges of a *native*.

Platform. *Plat* is an English word meaning flat. An elevated standing place for public speak-

ers ; hence, a statement of the principles or policy of any party on public questions. The word **plank** is used in reference to one particular point or principle in a party's platform (a wooden platform being formed of *planks*).

Policy. (Greek *polis*, a city.) The system, or method, or principles, according to which the affairs of government in city or state are conducted.

Poll. The head. The use of the word to mean voting comes from the custom of counting *heads* as a way of taking votes. This custom still prevails in our General Assembly and other bodies, where voters rise and stand until they are counted.

Suffrage. A vote at an election ; the right of voting. The derivation of this word is uncertain.

Tariff. "This word is said by some authors to be derived from *Tarifa*, a town in Spain at the entrance of the Straits of Gibraltar, where duties were formerly collected."—*Webster*. A tariff is

a duty or tax on goods imported or exported. A duty is a tax *due*, or required to be paid, on the importation, exportation, or consumption of goods.

Viva voce. This is a Latin phrase, the English of which is, *by the living voice*. To vote *viva voce* is to express by word of mouth how one wishes to vote.

63. THE RIGHT TO VOTE.—The right to vote in the election of public officers, and on questions of public interest, is a very valuable and important one. It naturally belongs to the freemen of a republic. It is sometimes called the elective **franchise**, or the right of **suffrage**.

A person who votes at an election is called a **voter** or an **elector**. The Constitution of North Carolina says that

“**Every male person** born in the United States, and every male person who has been naturalized, **twenty-one years old** or upward, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed an elector.”

While the Constitution provides that “**every male person**” shall, under the conditions specified, be an elector, it also says that **certain persons shall be excluded** from the right of voting. The persons excluded are persons

“Who, upon conviction or confession in open court, shall be adjudged **guilty of felony**, or any other crime infamous by the laws of this State.”

Such persons may, however, be restored to the rights of citizenship.

The right to vote is a **very great privilege**, but it carries with it a very great responsibility. Every voter is, to some extent, responsible for anything that may be wrong in the system or working of government. If he does not vote, he fails to do his part towards the removal

of the evil. If he votes for dishonest men or unjust measures, he helps to perpetuate the evil. It is, therefore, the duty of every voter to inform himself as fully as he can as to the character of the men to be voted for and the merits of the questions to be voted on, so that he may vote intelligently, and for the best interests of the community.

Bribery in elections is a very **great evil**, and a great danger to government. By bribery is meant buying or selling votes, or offering a person payment in any form to induce him to vote in a certain way. Our laws very properly make bribery a penal offence. It is degrading and disgraceful to the person guilty of it. It tends to put government under the control of money, the result of which must be the destruction of liberty.

64. Under the powers given by the Constitution the General Assembly has made an **election law**. This law provides for the **registration of voters**. Registration means making a list of the names of all persons entitled to vote. Before a person is registered he must make oath or affirmation that he possesses the required qualifications, and that he will support the Constitution and laws of the United States, and of North Carolina. The registrars, that is, the persons who make the lists of voters, are appointed by the clerk of the Superior Court.

65. THE BALLOT.—The voting at elections is done by ballot. Ballots are tickets, or pieces of paper, upon which are written or printed the names of candidates. The voter takes the ballot containing the name of the candidate for whom he wishes to vote, and drops it into a box provided for the purpose, which is called a **ballot box**. If he desires to do so, the voter may vote secretly by folding his ballot in such a way that the name of the candidate is not exposed to view. The room or place in which the voting is done is called a **polling place**. Officers are

present to see that each man votes only once, that none vote except those who have the right to do so, and to count the ballots when the election is over. These officers are called **inspectors** or **judges** of election, and are appointed by the county commissioners.

Voting by ballot is sometimes called **casting a vote** or **casting a ballot**. All elections by the people are by ballot, but elections in the General Assembly are usually by the method known as **viva voce**, which means that each member **tells aloud** the name of the person for whom he votes, or his wishes as to any matter under consideration.

In some States voting is done according to what is known as **the Australian system**, or some modification of it. Under this system the ballots used are furnished by the public authorities, and each ballot contains the names of all the candidates of all the political parties. The voter does not receive the ballot until he goes within the polling place. When the ballot is handed to him he passes into a private room or booth where he must, without help from any one, select and make a mark opposite to the names of the candidates for whom he wishes to vote. Having marked his ballot, he folds it and deposits it in the ballot box.

The principal object of this system is to secure absolute secrecy of voting, and thereby, as far as possible, remove temptations to bribery, and protect voters against being required to vote, not as they themselves think right, but according to the wishes of employers or others upon whom they are dependent for their means of living.

66. POLITICAL PARTIES.—A political party is an organization of voters who hold substantially the same views about government. The members of a party may differ very widely on some public matters, but generally they are agreed on one or more great questions, and they are organized to try to carry into effect their views on such questions.

On the **fundamental principles** and system on which our government is based, there is **no difference of opinion** among the political parties. All are agreed in approval and support of our republican form of government. All are agreed that the will of the people, operating through the principle of majority rule, is the sovereign power in the State and Nation. The differences of the political parties have reference to the *working* of our system of government. One party thinks that certain laws ought to be made ; another party thinks that such laws ought *not* to be made. One party thinks that taxes ought to be levied in a certain way ; another party thinks they ought to be levied in a different way. One party is in favor of a certain tariff on nearly all, or a great many, of the articles of merchandise imported into the United States ; another party thinks that the tariff ought to be very much less, or, perhaps, that there ought to be no tariff at all. On such questions, and many others relating to the details of government, there must necessarily be different opinions in a large community of free and intelligent citizens ; hence the occasion and origin of political parties.

Our Constitution says nothing about political parties, but it declares that “**secret political societies** are dangerous to the liberties of a free people, and should not be tolerated.” The General Assembly has made no law relating to political parties, but it has prohibited secret organizations having for their purpose the furthering of any political object, and it has prescribed severe punishment for members of such organizations.

Political parties, therefore, have no place in our system of government, except through the voluntary action of the people. Parties are the natural outcome of republican principles. The people have a **right to meet** and **discuss public affairs**, and intelligent people will exercise that right. They have also the right to change the Constitution and laws, and any organization of the people has the right to do all it lawfully can to persuade a majority of the electors to agree to proposed changes, and to help to have the changes effected.

In certain States the adoption of the Australian ballot has, in a rather curious way, given political parties a place in the system of State government. Where official ballots are provided by the State, each political party must file with the proper officer a list of its nominees. It often happens that two men claim to be the legal nominees of the same party, and each demands that his name be printed on the official ballot. In such cases the courts must finally decide between the contestants. In this way, State laws recognize the organization of political parties, and require that their proceedings in selecting candidates shall be fair and in strict accord with the regulations of the party.

HOW A PARTY IS FORMED.—The party that is in power is held responsible for the system of taxation, and the general policy upon which the government is conducted. It is right that it should be held responsible, because, being the majority, it can control the making and administration of laws. Many people may be dissatisfied with the policy of the party in power, and may desire to organize an opposition party for the purpose of remedying the evils which they think exist. They get together in a great meeting or convention, and in a **platform** they make a statement of their objections to the party in power. They also state the principles upon which, if intrusted with power, they would conduct the government. Before the election the opposition party does all it can, by **public speaking**, writing in newspapers, and distributing printed statements of its principles and arguments in support of them, to persuade the people that its policy is right, and that the policy of the party in power is wrong.

The party in power is the party that has elected the governor or president and a majority of each house of the legislative department. In England, however, a majority in the House of Commons alone brings a party into power.

If the opposition party wins at the election, that is, if

its candidates get the majority of votes, it will come into power, and it will be able to carry out the policy of its platform.

67. PARTY MACHINERY.—To properly conduct the work of a party, much organization is necessary. Conventions have to be held. Many committees must be formed. There must be a **State committee, county committees, and township committees.** This is party machinery. The highest committee is the State committee.

The **State committee** is the **highest** for party work, relating exclusively to the State. In elections for President and Vice-President of the United States, each political party has a National committee, in which there are representatives of the party in every State.

The State committee is formed at a convention consisting of delegates from the counties of the State. It is the business of the State committee to raise money for the campaign, and other purposes of the party. The money is raised by voluntary contributions.

A campaign is the public speaking and other political party work done during an election contest.

At the **State convention**, candidates for State offices are chosen (nominated). These candidates make public speeches during the campaign. They explain the principles and policy of their party, and criticise the principles and policy of the party in power. The party in power also has its candidates and its campaign of public speaking. On election day the people, by their ballots, decide which party is to be in power until next election.

After a party has been organized, conventions are held in the townships. These conventions are called **primaries.** Every member of the party in the township

may attend the primary. At the primary, delegates are elected to attend **the county convention**, and the county conventions elect delegates to **the State convention**.

Primaries are so called from being the meetings at which the *first* party work of a campaign is done, and at which delegates are *first* elected. (Latin *primus*, first.)

Party organization is carried out on **the republican principle** of representation. In the State conventions the people are supposed to be represented by their delegates. The State conventions formulate principles in platforms, select candidates for State offices, appoint State committees, and recommend plans of organization in the counties and townships. These various organizations give the people opportunity to make their influence felt, not only in the selection of delegates to the different conventions, but in the choosing of candidates for the General Assembly and for the State and county offices.

68. People may join the political party which they prefer, but they are not compelled to join any party. If, however, a person joins a party, and takes part in the business of its conventions, he is expected to support its candidates and its platform, even though he may have proposed some other candidates and platform. Party organization, as well as republican government, is conducted on the principle of majority rule. A member of a party must submit to the will of the majority. But if a member of a party thinks its affairs are so conducted as to be injurious to the interests of the people, he may leave the party, and either act with some other party, or with none.

The system of politics under which there are two or more parties contending for the control of government is called **government by party**. This system exists in every free country. Within proper

limits it **promotes good government**. It is for the benefit of the country to have a party out of power criticising the conduct of the party in power. The party in power knows that its policy, and its administration of the various departments of government, are closely watched by the opposing party. It knows that if it makes bad laws, or administers the laws unjustly or dishonestly, it will, at the next election, be brought to account before the people by the campaign speakers and newspapers of the other party. Hence, the party in power will naturally endeavor to conduct the affairs of government in the way that it thinks will be satisfactory to the majority of the people.

Party government causes constant public discussion of public questions. Such discussion educates the people, and enables them to form a judgment as to the party with which they ought to vote.

TOPICS FOR EXAMINATION AND REVIEW.

- 63.** The right to vote is very valuable. It is called the **elective franchise**, or the **suffrage**. A person who votes is an **elector**. Every male person twenty-one years old or upward, born in the United States, or naturalized, residing in the State twelve months next before election, and ninety days in the county, is an elector. Persons adjudged guilty of felony, or other infamous crime, are excluded from voting. Buying or selling votes is **bribery**. It is a crime punished by law.
- 64.** Voters **must be registered**. Before registering a person must make oath or affirmation that he is qualified, and that he will support the Constitution and laws.
- 65.** Voting is by **ballot**. The ballot contains the name of the candidate. The voter puts the ballot into a **ballot box** at the **polling place**. Inspectors of election count the votes.
- 66.** **Political parties** are bodies of voters organized to carry out their views on details of government. All citizens agree on fundamental principles of our government, but all do not agree on questions of legislation and administration. People may be dissatisfied with the policy of the party in power. They may wish to form a new party. To do this they hold a **convention**, and issue a **platform** stating the principles and policy upon which they would act if intrusted with power. They have a **campaign** before the election, in which by speech and writing they try to persuade the people to vote for their candidates. If they win the election they come into power.

- 67** **Party machinery** consists of committees and other agencies to carry on the work of an election campaign. The highest committee for the State is the **State committee**. It is formed at the **State convention**. The State convention consists of delegates from the county conventions. The county conventions consist of delegates from the **primaries**.
- 68** People are not compelled to join a political party, but if they do so, and take part in its conventions, they are expected to support its policy and candidates. Party organization is conducted on the principle of majority rule. **Party government** promotes good government. It is for the public benefit to have a party out of power watching and criticising the conduct of the party in power.

CHAPTER X.

REVENUE AND TAXATION.

DERIVATION AND EXPLANATION OF TERMS.

Ad valorem. This is a Latin phrase which means *according to value*. It is used in reference to taxation on property. A tax on property according to its value is an *ad valorem* tax.

Eminent domain. (Latin *eminere*, to be prominent, *dominus*, lord or master.) The supreme power of the State over all property within the State; see p. 109.

Franchises. The franchise (*free-*

dom or privilege) granted by government to railroad and other corporations is a valuable property, and, therefore, a fit subject of taxation.

Levy. (French *lever*, to lift.) To raise or collect, as to levy taxes.

Margin. (Latin *margo*, the edge or brink.) The difference between the amount of anything as estimated for any purpose, and that which is actually required.

69. A great deal of money is required to support and carry on the numerous departments of government. To keep in operation **the vast machinery of law-making and law administration** in State, county, city, and town, a very large sum is needed every year. The money is obtained by taxation.

On the subject of taxation there have been **great differences of opinion**, and often violent conflicts between political parties. In some countries taxation has been the cause of civil war. The differences have arisen on the questions, how taxes ought to be raised, and how much ought to be raised. That taxes are necessary, all are agreed, but all are not agreed as to systems or methods of taxation; that is, as to what property ought to be, and

what ought not to be taxed, and as to what the amount of tax on property or individuals ought to be.

70. A tax is **private property taken** from individuals and used **for the public good**. The sovereign power, which in our country is the people, always has the right to take and use private property for the common benefit, when it is necessary to do so. But in every such case the owner must be fairly compensated.

Property in land may, under authority of government, be taken from individuals for the building of railways, roads, canals, or for other public purposes. When property is so taken it must be paid for at a fair price. The government, as representing the people, has sovereign power over all the property in the State, and it has authority to take any part of it for necessary public use, reasonable compensation being made to the individual. This right of government is called **the right of eminent domain**.

When the State or county or city levies taxes **no direct return is made**. The person who pays the tax gets no benefit in the shape of other property. The benefit is indirect. It comes to the taxpayer in the form of protection of life and property. This is good compensation. The taxpayer feels that **in good government he has good value** for the taxes he pays. If when he is at his business during the day or in his home at night, he is safe under **the ever present protection of law**, and if his children have the benefit of good education, he feels or should feel that he has a full return for the money he pays in taxes.

71. **TWO FORMS OF TAX.**—Our State Constitution prescribes two forms of tax, and limits the amount of each. One is a **poll-tax**, that is, a tax on persons, the other is a **tax on property**. The poll-tax must not be more, but it may be less, than two dollars per annum. The property tax is an **ad valorem**, or value tax. It must not be more,

but it may be less, than $66\frac{2}{3}$ cents per annum for every hundred dollars' worth of property.

The poll tax and the property tax must be levied on a system of equality or "**equation.**" This system requires that the poll-tax must be always equal to the tax on property valued at three hundred dollars. If the poll-tax is two dollars, the tax on three hundred dollars' worth of property must be two dollars; that is, $66\frac{2}{3}$ cents on each hundred dollars' worth of property. If the poll-tax is one dollar and a half, the tax on three hundred dollars' worth of property must be the same.

The object of the system of "equation" is **to secure the people against over-taxation.** Since the poll-tax cannot be increased without increasing the property tax, nor the property tax increased without increasing the poll-tax, it is the interest of *all* to take care that taxation shall not be increased unless there is a clear necessity for it.

The poll-tax is levied upon every male inhabitant of the State, over twenty-one and under fifty years of age, but the county commissioners may exempt persons from this tax "on account of poverty and infirmity."

72. OTHER SOURCES OF REVENUE.—The other sources of our government revenue are taxes on trades, professions, franchises, and incomes; but comparatively little revenue comes from these sources.

In levying taxes the General Assembly is guided by the reports of the State auditor and State treasurer. These reports show the valuation of the property of the State, the amount that may be raised by a certain tax upon it, and the amount that may be raised from other sources. The reports also show the amount necessary for the support of the government.

The General Assembly always finds that for the support

of the State government, and of the public institutions for which the General Assembly makes appropriation, the full amount of taxes authorized by the Constitution is not required. There is, therefore, a **margin** left for the county commissioners and justices of the peace to apply to county purposes. If the **General Assembly** levies \$1.20 poll-tax and 40 cents property tax, there will be left 80 cents poll-tax and $26\frac{2}{3}$ cents property tax for the **county authorities**, and these amounts, in such case, they cannot exceed. It is because of this limitation it occasionally happens that there is not as much money as might be desired for some public purposes, especially for the schools. The Constitution, however, gives power to the General Assembly to authorize a vote of the people in counties, cities, townships, or parts of townships, to increase taxation for the support of schools and other public institutions. The General Assembly has also power in granting charters to cities and towns to authorize additional taxation for their proper government.

TOPICS FOR EXAMINATION AND REVIEW.

- 69.** Much money is required to support government. It is **obtained by taxation**. Differences of opinion as to methods of raising taxes.
- 70.** A tax is private property taken for the public good. Government has the **right of eminent domain**. The tax-payer does not get a direct return for the taxes he pays. He gets a return in the form of government protection of his life and property.
- 71.** Two forms of tax. Poll tax and property tax. The poll tax must not be more than two dollars. The property tax must not be more than two dollars on every three hundred dollars' worth of property. Whatever the poll-tax is, the property tax must be the same on property worth three hundred dollars. This is **equation of tax**. Every male person between twenty-one and fifty years

of age must pay poll tax. Persons may be exempted on account of poverty and infirmity.

- 72.** Taxes are levied on trades, professions, franchises, and incomes. In levying taxes the General Assembly leaves a **margin for the counties**. If the Assembly levies \$1.20 poll tax and 40 cents property tax, there will be left 80 cents poll tax and $26\frac{2}{3}$ cents property tax for county purposes.

CHAPTER XI.

EDUCATION—CHARITABLE INSTITUTIONS.

DERIVATION AND EXPLANATION OF TERMS.

Mechanical arts. (Greek *me-*
chane, a machine, *arein*, to join.)

Mechanical arts are “those in which the hands and body are more concerned than the mind, as in making clothes and utensils.”—*Webster*.

Normal. (Latin *norma*, a rule.)

A normal school is one in which

instruction is given in methods of teaching. The system in the normal school is the *rule* or model for other schools.

University. A college, or a number of colleges, under one general direction, in which *all* branches of learning are taught ; a *universal* school.

73. One of the sections of the **Declaration of Rights**, which forms the first article of our State Constitution, declares as follows :

“The people have the **right to the privilege of education**, and it is the duty of the State to guard and maintain that right.”

The Constitution provides for a **university**, and for a system of public schools in which **instruction shall be free to all children** between the ages of six and twenty-one years. It prescribes that the schools shall be maintained for at least four months in every year, and that if the county commissioners fail to comply with this requirement, they shall be liable to indictment.

Four months in each year is the shortest time prescribed for the schools to be open for instruction, but **a longer term is expected** if money to pay the necessary expense can be provided in any reasonable way.

The Constitution further prescribes that a department of **agriculture, of mechanics, of mining, and of normal instruction**, shall be maintained in connection with the university.

From all this it will be seen that the framers of our Constitution, and the people of the State, by whom the Constitution was ratified, regarded **education** in all its departments as **of the highest value** and importance. The people are the sovereign power. In them, and not in any one man or any party, lies the power to make and control the government. The people who made our Constitution, having organized a republic in which the right to vote is extended practically to all men, saw the necessity of providing that there should be opportunity for all to become educated, so as to be good citizens, and be able to vote intelligently on the various questions of government.

The State must **protect herself by educating her people**. This is the first object of our system of public schools. The State is, however, not unmindful of the great personal benefit every citizen derives from education. But it is not in the sense of charity that the Constitution prescribes that the people shall have the means of education. It is to preserve the State against the danger which ignorance would be to it, all men having an equal share in the forming and directing of government. **Freedom could not long exist in a nation of ignorant men.**

74. STATE BOARD OF EDUCATION.—In compliance with the requirements of the Constitution, the General Assembly has established a system of public education, under which facilities for instruction are extended to all parts of the State. The system is under the general direction and control of the State Board of Education, which consists of the governor, the lieutenant-governor, the secretary of state, the treasurer, the auditor, the superintendent of public instruction, and the attorney-general. The governor is president of the board, and the superintendent of public instruction is secretary. Subject only to laws made by the General Assembly, the board has power :

“To legislate and make all needful rules and regulations in relation to free public schools, and the educational fund of the State.”

75. EDUCATIONAL INSTITUTIONS.—The General Assembly has made laws providing for the support of the **university** at Chapel Hill, a **normal** and **industrial school** at Greensboro for young women, a **college of agriculture** and mechanical arts, and a department of agriculture at Raleigh, an **agricultural and mechanical college** for the colored race at Greensboro, **normal schools** for both races, and a system of **free public schools** some one of which is supposed to be within reach of every child in the State. Many cities have applied to the General Assembly for authority to vote additional funds for the support of their public schools, and have extended the terms of their schools so that they are open from eight to ten months every year.

The university, the normal and industrial school, the college of agriculture and mechanic arts, the department of agriculture, the agricultural and mechanical college for the colored race, and the normal schools, are managed by boards of trustees or directors, who make regular reports of the condition and progress of those institutions.

The general public school system is supervised and administered by the State Board of Education, the county boards of education, the county superintendents of public instruction, and the school committees, whose duties have already been noticed. (Amended, see note, p. 117.)

76. CHARITABLE INSTITUTIONS.—Our State Constitution declares that it is “one of the first duties of a civilized and Christian state” to make “**beneficent provision for the poor, the unfortunate, and the orphan.**”

This duty is assigned to the General Assembly, which

is authorized to make appropriations for the support of institutions in which the destitute orphans, idiots, and the indigent deaf-mutes, blind, and insane of the State, may be properly cared for.

The county commissioners are authorized by law to provide by taxation for the poor of their counties. The State has established magnificent institutions at Morganton, Raleigh, and Goldsboro, for the care of the insane; and institutions for the education of the deaf and dumb and blind at Morganton and Raleigh.

These institutions are supported by appropriations of money made by the General Assembly, and they are managed by boards of directors, who issue reports on their progress and requirements.

The orphans of the State are cared for in an asylum at Oxford, which is also supported in part by money voted by the General Assembly. There are other institutions for this purpose, to the support of which the State does not contribute except that no tax is required to be paid on their property.

TOPICS FOR EXAMINATION AND REVIEW.

- 73.** The people have a right to education. It is the duty of the State to guard and maintain that right. The General Assembly has power to provide for a university, and for public schools in which instruction shall be free. The principal object of the public school system is to give education to all, so that all may be good citizens. Freedom could not exist in a nation of ignorant men.
- 74.** Facilities for instruction extend to all parts of the State. The system is directed by the State Board of Education. The board consists of the governor, lieutenant-governor, secretary of state, treasurer, auditor, superintendent of public instruction, attorney-general. The board has power to make rules in relation to free public schools and the educational fund.

- 75.** The General Assembly provides for the support of the university at Chapel Hill, a **normal and industrial school**, a **college of agriculture** and mechanic arts, an agricultural and mechanical college for the colored race, normal schools, and free public schools. A public school is supposed to be within reach of every child in the State.
- 76.** To make **provision for the poor**, the unfortunate, and the orphan, is one of the first duties of a Christian state. The General Assembly makes grants for the support and care of destitute orphans and idiots, and of the indigent deaf-mutes, blind, and insane of the State. The county commissioners are authorized by law to provide by taxation for the poor of their counties.

NOTES.—CHANGES IN LAWS MADE BY GENERAL ASSEMBLY OF 1895.

Page 83, Section 51.—“The General Assembly of 1895 increased the number of justices of the peace, and provided for their election by the voters of the respective townships, beginning with the general election in 1896. The justices when elected are to hold office for two years.”

Pages 85 and 86, Section 52.—“Under the law of 1895, three commissioners are to be elected by the voters of the county. If two hundred voters petition, one hundred of whom are freeholders, two additional commissioners are to be appointed by the Superior Court judge, and these two are not to be of the same political party as the majority of the three elected by the voters. When the number is thus increased to five, four out of the five must concur in making any debt, approving all official bonds, and in all expenditures of money. The registrars and judges of election are required to be appointed by the clerk of the Superior Court; and the commissioners levy county taxes without the assistance of the justices of the peace.”

Page 88, Section 55.—“The General Assembly of 1895 abolished the county board of education, and required the board of county commissioners to perform its duties.”

Page 89, Section 57.—“The General Assembly of 1895 abolished the office of county superintendent, and required the register of deeds to perform his duties, except the examination of teachers and countersigning of orders. A county examiner is appointed by the clerk of the Superior Court, and the chairman of the board of county commissioners countersigns school orders.”

Page 115, Section 75.—“The duties of county superintendent are required under the law of 1895 to be performed by the register of deeds, the county examiner, and the chairman of the board of county commissioners.”

CHAPTER XII.

BUSINESS CORPORATIONS.—THE MILITIA.

DERIVATION AND EXPLANATION OF TERMS.

Insurrection. (Latin *in*, into or against, and *surgere*, to rise.) A rising up of people to oppose or prevent by force of arms the execution of the law.

Invasion. (Latin *in*, into, and *vadere*, to go.) “A warlike or hostile entrance into the possessions or domains of another; the incur-

sion of an army for conquest or plunder.”—*Webster*.

Riot. (French *rioter*, to laugh.) Violent behavior, uproar. In law, “the doing of an act in a violent and tumultuous manner against the peace, by three or more persons assembled together of their own authority for that purpose.”—*Webster*.

77. BUSINESS CORPORATIONS.—A corporation is a company or number of persons who join in some business, and get power from government to conduct the business, in a certain way that brings with it certain privileges.

Many kinds of business, such as manufacturing on a large scale, mining, operating railroads, can best be carried on by corporations, because in such enterprises more money is usually required than one person can furnish. Sometimes the success of such undertakings is not certain, and no person is willing to invest all his money in them. A **partnership** may be formed, but in this kind of business company each partner is liable to the extent of all his property in the event of the failure of the business.

If the business of a partnership fails and there are debts to any amount, any one of the partners may be required to pay the whole amount if the others cannot pay. The whole property of any one, or of

all of them, whether that property has been invested in the business or not, may, to the amount necessary to pay the debt, be taken by the creditors.

The members of a corporation are not each liable for the whole loss if the business fails. If a corporation fails, the members of it may lose the money they have put into the business, but they can lose no more. The property they have which has not been invested in the corporation cannot be taken for the debts of the corporation.

This is one of the advantages which the members of a corporation have through the charter, or act of incorporation, under which the company is formed. The General Assembly gives the charter, and it has the power to withdraw or alter it at any time. It is for the public good that the Assembly should have this power. Corporations frequently own and control vast property in land and money, which, without the restraint of government when necessary, might be used in many ways to injure the community.

78. THE MILITIA.—It may sometimes happen that the sheriff is not able to suppress riots, or arrest violators of the law. The rioters may be very numerous, and the sheriff may not have a sufficient number of deputies or officers to arrest the offenders. Sometimes the disorderly element becomes strong enough to overpower the peaceful citizens.

In such case the sheriff may call upon the governor for help, and it is the governor's duty to furnish the help necessary. The governor is **commander-in-chief of the militia**, or other armed force, which may be organized by the State government for upholding law and order. The State guard is established and maintained "to execute the law, suppress riots or insurrection, and repel invasion."

In an emergency of this kind the governor must order out as many of the militia or State guard as may be required to protect life and property and restore order.

TOPICS FOR EXAMINATION AND REVIEW.

- 77. A corporation** is a company for carrying on business which requires large capital. In a partnership the members are each liable for the whole debts of the company. In a corporation the members are liable only to the extent of the money they invest. A corporation must have a **charter**. The General Assembly grants the charter, and may withdraw or alter it.
- 78. In case of riot** or disorder which the sheriff has not sufficient force to suppress, the governor must **order out the militia**, of which he is commander-in-chief.

PART III.

GOVERNMENT OF THE UNITED STATES.

CHAPTER I.

REASONS FOR UNION.—THE CONFEDERATION.

DERIVATION AND EXPLANATION OF TERMS.

Continental. (Latin *con*, together, and *tenere*, to hold.) *Continental Congress*, a congress of delegates from the colonies of the North American *Continent*.

Federal. (Latin *fædus*, a league.) *Federal union*, *federal government*. The United States is so called because it is a *league* or compact of States.

Revolution. (Latin *re*, back, and *volvere*, to roll, or turn round.) *Revolution* in a political sense is a revolt or *turning round* of the

people against the government. The Revolutionary war was a revolt of the colonies against the British government.

Royal. (French *roi*, a king.) The *royal* provinces in America before the Revolutionary war were the colonies in which the governor and the members of one house of the legislature were appointed by the king of England.

Territory. (Latin *terra*, the earth.) In the United States, a district not yet admitted to be a State.

79. The system of State government, which has been presented in detail in the preceding pages, gives to every resident of North Carolina the fullest protection for life, liberty, and property, against all persons living within the boundaries of the State. If there were no people in the world except those living in North Carolina, no other government would be needed. But beyond our boundaries are other powerful States. Just as in a community of men the weak need protection against the strong, so in

the world, which may be called a community of states, the weak states need protection against the strong. Therefore, while the government of the State is sufficient for the protection of its citizens against each other, it is not sufficient to protect the State, as a political community, against other and stronger States.

It was a knowledge of this fact that forced the freemen of North Carolina, after organizing a government at Hillsboro, in August, 1775, and while actively engaged in a war with their former king, to invite the coöperation of the twelve other British colonies lying along the Atlantic Coast. With the assurance of that coöperation, given in the united Declaration of Independence, they adopted a permanent constitution at Halifax in December, 1776.

At that time no written bond of union existed between the thirteen colonies. They were of the same race, they spoke the same language, they had been subjects of the same king, and had suffered the same injustice at his hands. They were alike rebels against the authority of their sovereign, and if conquered by the king's armies, the same penalties must be paid by all. This common interest made a stronger bond than any written agreement.

All of these colonies that united in the Declaration were States in fact, and had their own governments organized and in successful operation at the time. It was these governments that sent delegates to the Philadelphia Convention, and gave them their authority to speak in the name of the people of each State. The Declaration of Independence, therefore, was the joint act of thirteen organized States, at the time bound together only by a community of interest.

Before the thirteen original colonies became States with governments organized by the people, and recognizing the people as the sovereign power, several forms of government had existed. Connecticut

and Rhode Island had charter governments. Their charters, granted by the English king, gave the people of each colony the power to elect their governor, legislature, and other officers. They recognized the king as their sovereign, but their governments were so complete that after the Declaration of Independence they did not adopt State constitutions, but simply continued their governments under their charters, the only difference being that, instead of the king, the people of each State were recognized as the sovereign power behind the charter. Pennsylvania, Maryland, and Delaware had proprietary governments. The land in these States had been granted to certain proprietors who had the right to govern the people. The proprietors, however, were subjects of the king of England, and all their acts were subordinate to the king's authority. New Hampshire, New York, New Jersey, Virginia, South Carolina, and Georgia were royal provinces, like North Carolina.* In these provinces the governor and council (which was the upper house of the legislature) were appointed by the king, and the lower house was elected by the people. Massachusetts had a charter, and at one time had the privilege of electing the governor; but this privilege had been taken away, and at the time of the Revolution the governor of Massachusetts was appointed by the king, just as in the other royal provinces.

80. THE FIRST WRITTEN BOND OF UNION.—The delegates from the thirteen States realized that while the common interest was sufficiently strong to hold the States together, a written bond of union was necessary to prevent misunderstandings. Nearly a year and a half elapsed after the Declaration of Independence, before the Continental Congress prepared written articles which, when ratified and confirmed by all the States, formed a **written bond of union**. The articles, called "Articles of Confederation" (see Appendix, p. xxv), were submitted to the legislature of each State, and North Carolina gave her consent on the 21st of July, 1778; but Maryland, the last State to ratify, did not act until March 1, 1781.

* During a part of her colonial history, North Carolina was under the proprietary form of government.

On March 2, 1781, a Congress, provided for by these Articles, met for the first time; and on that date North Carolina and the other twelve States, after an absolutely independent existence as States for four and a half years, in which they were only bound to each other by their words of honor, assumed all the obligations imposed by the Articles, and became members of the confederation.

The Congresses which assembled before the 2d of March, 1781, were called into existence by no written agreement or organic law, but were simply composed of delegates voluntarily sent by the States.

81. THE ARTICLES OF CONFEDERATION organized, not a nation, not even a union, but a confederacy under the name of the "United States." The second Article declared this confederacy to be simply "a firm league of friendship between the States for their common defence, the security of their liberties, and their mutual and general welfare." These Articles were not designed to establish a government. The delegates thought their States furnished all the government needed. They only proposed to create what their State governments did not furnish them, that is, a defence against foreign powers; and each State entering the confederacy under these Articles retained its sovereignty and its exclusive right of government within its own boundaries. The purpose was to bind the States together against all the rest of the world, but to leave them absolutely independent as to each other.

The confederation formed with such ideas and for such a purpose was clothed with very little power, and can hardly be said to have had a government at all. Indeed, another government is exactly what the States wished to avoid. Each State had suffered for years from an arbitrary exercise of power by a government outside of its own boundaries, and at that time no State was willing to estab-

lish another outside government, and clothe it with powers that might in time take away the freedom of its own citizens. The Articles of Confederation, therefore, provided for no president or executive officers, for no legislative body, and for no courts of justice. They simply provided for a meeting of the States in Congress, but even this Congress could only act in the name of the States. The limited powers were not conferred on Congress, but on the "States in Congress assembled," and all its acts were the acts, not of itself, but of the "United States in Congress assembled." Theoretically, the States themselves met in the Continental Congress, though, of course, in fact, each State sent delegates to represent it. Each State had one vote in this Congress, but it sent as many as two, and not more than seven, to cast that vote, and it paid the expenses of its own delegates. Some writers say that the Continental Congress was a sovereign body and exercised sovereign powers; but as a matter of fact, its weakness was due to a lack of all the essential powers of government. It could make and conclude treaties with foreign powers; it did make a treaty of alliance with France and Spain, and a treaty of peace with England, but it could not compel any State to observe these treaties. It appointed ambassadors to foreign courts, but could not pay their expenses. It borrowed money in the name of the States, and issued Continental money which was paper "promises to pay" what it owed, but it could not levy one dollar of tax. It could declare war, but it could not enlist a single soldier. Money for the treasury was to be supplied by the States, but Congress had no means of forcing the States to supply this money if they were unwilling to do so. Soldiers necessary for the common defence were to be furnished by the States, but Congress had no power to compel any State to furnish its quota.

As long as the Revolutionary war continued, the States felt the need of the Continental Congress, and its acts were respected. But when peace was concluded and the independence of the States was recognized, the people paid no attention to the Continental Congress, and it dwindled into insignificance.

George Washington said of it : "The Confederation appears to me to be little more than the shadow without the substance, and Congress a nugatory body, their ordinances being little attended to. . . . We are thirteen independent sovereignties, eternally counteracting each other. . . . I do not conceive we can exist long as a nation without lodging somewhere a power which will pervade the whole Union in as energetic a manner as the authority of the State is extended over the individual State."

82. NEED OF A BETTER UNION.—A trial of only a few years was sufficient to show many elements of weakness in the Confederation. The States did not raise their *pro rata* share of money needed by Congress, and there was no power to compel them to do so. Tariff troubles began between neighboring States. New York and New Jersey were involved, and so also were Maryland and Virginia. In Massachusetts an actual revolution broke out under Daniel Shay, and finally the States became convinced that the Articles of Confederation were defective and inadequate.

In 1785 the Massachusetts legislature recommended a revision of the Articles and an enlargement of the powers of Congress. In January, 1786, Virginia went still further and proposed a national convention at Annapolis in September, the object of which was to remedy the defects of the Confederation. She appointed eight delegates. New York, New Jersey, Pennsylvania, and Delaware, on the invitation of Virginia, elected delegates to this convention, which met at the appointed time and place. As a majority

of the States were not represented, the delegates present recommended that another convention be called to meet in Philadelphia on the second Monday in May, 1787. This recommendation was presented to Congress, and on the 21st of February, 1787, Congress resolved, "That, in the opinion of Congress, it is expedient that on the second Monday in May next, a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia, for the **sole and express purpose of revising the Articles of Confederation**, and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union."

Before this resolution was passed, however, North Carolina had already elected delegates in accordance with the recommendation of the Annapolis Convention.

83. THE CONSTITUTIONAL CONVENTION OF 1787.—On the day appointed for the meeting of the Convention to revise the Articles of Confederation, there were not enough delegates present to organize. By the 27th of the month, however, delegates arrived from North Carolina and eight other States, and this was thought to be a sufficient number to organize the Convention. It was accordingly organized on that day, and George Washington, one of the delegates from Virginia, was chosen president. Before the Convention adjourned, representatives from three other States came in, so that finally all the States were represented except Rhode Island.

In this Convention many plans were advocated, but all were modifications of two general ideas: one for a **strong central government**, and the other for a continuation of the **Confederation with enlarged powers**. Two months

were spent in earnest debate and in thorough discussion of the plans. Finally, on the 23d of July, all the plans, except that respecting the supreme Executive, were referred to a committee called the Committee of Revision, which was elected by ballot. The duty of this committee was to revise the style of, and arrange, the Articles agreed to by the House; and on the 6th of August it reported to the Convention a full Constitution. The idea of **framing a Constitution** was a concession to the views of those who advocated a strong central government, but the **provisions of the proposed Constitution** were a concession to the advocates of a confederation. In form and name it was what the first party had advocated, but in details and in substance it was made to conform in large part to the views of the other party. It was modelled after the State Constitutions under which the people had lived for ten years or more and with which they were familiar. But whenever possible, the very words of the Articles of Confederation were preserved in the new Constitution, so as to convince the people that it was not a radical departure from the old confederation. This Constitution was debated for over a month; and finally on the 17th of September, after a session of nearly four months, it was adopted by the Convention, and submitted to the States, to take effect when approved by nine.

84. THE CONSTITUTION RATIFIED.—When the Convention adjourned, the proposed Constitution was sent to the States for ratification, and some of them accepted it at once, but in the others it was severely criticised and bitterly opposed. The principal objection was that it did not contain a Bill of Rights, and for this reason among others it was rejected by North Carolina. Ten amendments embodying the principles of the Bill of Rights were proposed by Massachusetts, and, after a bitter fight,

the approval of that State was won, conditioned upon the adoption of these amendments. Other States proposed the same amendments. The Constitution was to take effect when ratified by nine States, and within a year eleven States ratified it—all except North Carolina and Rhode Island. The first election under the Constitution was held in January, 1789; and on the 4th of March of that year, the old Confederation was dissolved, and a Federal Republic, known as the “United States of America,” came into existence.

When the old Confederation was dissolved, North Carolina and Rhode Island were released from their obligations to the other States under that compact, but were not bound by the new Constitution because they had not accepted it. In this way these two States again became absolutely independent republics, and continued subject only to the sovereignty of their people. One of the first acts of Congress was to adopt the proposed amendments that supplied the defect in the Constitution due to the absence of a Bill of Rights, and these amendments were at once sent to the legislatures of the States for their approval and ratification. The people of North Carolina, being satisfied that the amendments would be adopted, and that their liberties were fully protected, adopted the new Constitution at Fayetteville on the 21st of November, 1789, and became a member of the Federal Union. In doing this the people voluntarily surrendered certain of their sovereign powers to the United States. Rhode Island adopted the Constitution during the next year, and completed the union of the original thirteen States.

Since that time thirty-one other States have been admitted on terms of perfect equality, so that the Federal Union now consists of **forty-four States**, each sovereign in the control of its local affairs, and all subordinate to

the supreme sovereignty of the United States in all matters of common interest and general welfare.

TOPICS FOR EXAMINATION AND REVIEW.

79. The several State governments gave full protection to citizens against citizens, but not against foreign powers. The need of a defence against foreign powers was felt by all the States.
80. The Continental Congress framed the **Articles of Confederation**, and submitted them to the legislatures of the States. By March 1, 1781, all the States had ratified. The first Congress under the Articles met March 2, 1781.
81. Under the Articles of Confederation each State still retained its sovereignty. The government under the Articles was very weak and defective. Congress could recommend measures but could not enforce them, and its authority finally came to be ignored.
82. The weakness of the Confederation was soon realized. Troubles arose between the States. A Convention was called to meet in Philadelphia in 1787 to revise the **Articles of Confederation**.
83. The Convention was divided. One party advocated a **strong central government**; the other, enlarged powers for the Confederation. The idea of revising the Articles was abandoned, and the Constitution was framed, adopted by the Convention, and submitted to the States.
84. All the States except North Carolina and Rhode Island ratified within a year; and on the 4th of March, 1789, the present government of the United States came into existence. North Carolina ratified on the 21st of November, 1789, and Rhode Island the next year. The Republic now consists of forty-four States.

CHAPTER II.

UNITED STATES GOVERNMENT UNDER THE CONSTITUTION.—LEGISLATIVE DEPARTMENT.

DERIVATION AND EXPLANATION OF TERMS.

Apportion. (Latin *ad*, to, and *portio*, a portion.) To distribute in portions. Apportionment of representation in Congress is assigning a *portion* of the total number of members of the House of Representatives to each State according to its population.

Census. (Latin *censere*, to value, to tax.) In ancient Rome there were public officers called *censors*,

one of whose duties was to count and register, at stated periods, the total number of citizens, and make a *valuation* of their property for the purpose of *taxation*. Hence the word *census* as an enumeration, or a counting, of the people. The census of the United States is taken every ten years. The first United States census was in 1790.

85. The Constitution unites all the States in a Federal Republic, and establishes a government for this Republic. It endows the government thus established with certain necessary powers, but guards against the assumption of any powers that might prove dangerous to the liberties of the people or the States. As an especial safeguard against the centralization of power, the Constitution divides the government created for the United States into three departments, absolutely distinct from each other, and a certain amount of power is intrusted to each department. The State Constitutions served as models, and the experiences of the people under the arbitrary government of the king of England suggested

the limitations which were put upon the powers of the departments. These three departments are the legislative, the power of making the laws; the executive, the power of carrying out the laws; and the judicial, the power of sitting in judgment upon the laws.

Congress is the **legislative department** of the United States Government. It is composed of two houses, the Senate and the House of Representatives. It meets in regular session every year on the first Monday in December.

The **regular session** is the session which the *rule* (Latin *regula*, a rule), or law, requires to be held. The Constitution of the United States prescribes that "Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they (Congress) shall by law appoint a different day." But the President of the United States may call a meeting of Congress at any other time, if important public business makes it necessary to do so. Such a meeting would be a special or extraordinary session.

The sessions of Congress are held in the Capitol, in the city of Washington, District of Columbia. Washington is the seat of government, or political capital, of the United States.

Each House sits in its own hall, has the right to make its own rules of order, and is the sole judge as to the qualifications and election of its own members. While the Constitution prescribes certain qualifications for membership in each House, the House itself has the sole right to decide whether the member elected possesses those qualifications, and if any contest is made as to whether or not a member is legally elected, the House in which the member sits has the sole right to decide this point.

The name "Congress" was given to the law-making department by the framers of the Constitution, from its historic association, and not because it implied any law-making power. The word "con-

gress" means simply a meeting. The work which had been done by the Provincial Congresses and by the Continental Congress had made the name dear to the American people, and they perpetuated it by applying it to their law-making body, and through this act of theirs the word has acquired a new meaning. In the same way the word "parliament" has acquired a new meaning from being applied to the law-making department of the British government. The literal meaning of the word is "a great talk," and Parliament originally was an assembling of the nobles to talk to the king, with no power whatever except to talk. As time passed, the power of the Parliament grew, and under the same name it became in time the sole law-making power of the British Empire.

86. THE SENATE.—The Senate consists of two senators from each State of the Union. Senators are elected, not by the people, but by the legislature of each State, and for a term of six years. The members of the first Senate were divided into three classes. The terms of senators of the first class expired in two years, of the second class in four years, and of the third class in six years. By this arrangement, two-thirds of the senators always "hold over," and only one-third can be new members. This is a safeguard against sudden changes in the policy of the government. As each new State was admitted, the first senators elected from it were placed in two of these classes, so that the terms of both senators from a State should not expire at the same time, one being elected for a long, the other for a short, term. In this way the system is maintained, and the terms of both senators from a State cannot expire at the same time. The Constitution requires certain **qualifications in a senator.**

He must be not less than thirty years of age.

He must have been nine years a citizen of the United States.

He must be when elected an inhabitant of the State for which he is elected.

The Senate is sometimes called the **upper house**. This designation comes to us from the usage in Great Britain. The British legislature, or parliament, has two houses—the House of Lords and the House of Commons. The House of Lords is not elected. It is composed of members of the nobility or “upper classes”; hence it is called the *upper* house. The United States Senate represents the States, not with regard to population, but in their character as, within certain limits, sovereign political powers. The Senate is, therefore, in a sense a higher body than the other house of Congress.

87. HOUSE OF REPRESENTATIVES.—The members of the House of Representatives are called **congressmen**. They are elected by the voters of the States, each congressman for a term of two years. The number of congressmen for each State is in proportion to the population of the State. According to the Constitution the number must *not be more than* one for every thirty thousand of population, and each State must have at least one. But each State has not a congressman for *every* thirty thousand of its population. Such a proportion, with the present population of the United States, would make a House of Representatives of more than two thousand members. This would be far too large a number for a legislative body. The proportion of congressmen to population is not permanent. The number of members of the House of Representatives is **fixed by Congress every ten years**, and during that time cannot be changed unless Territories are admitted as States. When a new State is admitted, it gets proportionate representation, which may increase the number of congressmen. When the total number of congressmen has been fixed, they are allotted, or apportioned, among the States, according to population.

The **apportionment of congressmen** is made according to the population as ascertained by the census taken every ten years.

By the census of 1890 the population of the United States, omitting the Territories, was 61,908,906. The number of members of the House of Representatives fixed by Congress in 1891 was 356. Dividing 61,908,906 by 356 gives (omitting remainder) 173,901. During the present decennial period (beginning with 1891) every State is therefore entitled to one congressman for every 173,901 of its population.

For the purpose of **congressional elections** each State is usually divided into as many districts as it has members in the House of Representatives. The districts in each State are numbered in consecutive order, beginning with the first congressional district. North Carolina has nine such districts, and in each a congressman is elected every two years. A **congressman** must have certain **qualifications prescribed** by the Constitution.

He must be not less than twenty-five years of age.

He must have been seven years a citizen of the United States.

He must be, when elected, an inhabitant of the State in which he is elected.

The House of Representatives elects one of its own number to preside over its sessions, who is called **the Speaker**.

88. The Territories are districts which have not yet become States of the Union.

A Territory has a delegate in the House of Representatives, but **no representation in the Senate**.

The delegate from a Territory may speak in the House, but cannot vote.

A Territory, when authorized by Congress, may frame and adopt a constitution, and, if this constitution is approved by Congress, may be admitted as a State.

The governor, the judges, and other chief officials of a Territory are appointed by the President of the United States. The laws made by the legislature of a Territory may be vetoed by Congress.

The **District of Columbia**, in which Washington is situated, has no representation in Congress. Its government is directed by three commissioners, who are appointed by the President of the United States. The laws under which it is governed are made by Congress.

For some years there was much irregularity as to the time of electing congressmen, but the United States statutes now require that they shall be elected in November of the even years. The term of each congressman begins on the 4th of March following his election, but the first regular session of Congress does not begin until December thereafter, a year and a month after his election. The Senate is said to be a perpetual body, from the fact that two-thirds of its members always "hold over;" but as the terms of all the representatives expire at the end of two years from the 4th of March following their election, the Congress in which they sit is said to expire with the expiration of their terms, and a new Congress begins with the beginning of the term of the new representatives on the 4th of March of the odd numbered years. For convenience in distinguishing them, each Congress has been numbered consecutively from the first, and is known by its appropriate number. The first Congress, elected in the even year 1788, served from the 4th of March, 1789, to the 4th of March, 1791; the Fifty-third Congress was elected in November, 1892, and the Fifty-fourth in November, 1894.

The Constitution requires Congress to meet on the first of December of each year. Each Congress holds two

meetings. The first of these meetings, always held on the odd numbered years, is known as the "long session," because it may continue until December of the following year, and usually does continue until summer. The second of these meetings, always beginning on the first Monday of December in the even numbered years, cannot possibly extend beyond the 4th of March following, because the terms of the members expire at that time. Therefore this is called the "short session."

TOPICS FOR EXAMINATION AND REVIEW.

- 85. Congress** is the legislative department of the United States Government. It has two houses—the **Senate** and **House of Representatives**. It meets annually on the first Monday in December, in the Capitol at Washington.
- 86. There are two senators from each State.** They are elected by the State legislatures for a term of six years. A senator must be thirty years of age, a citizen of the United States nine years, and, when elected, an inhabitant of the State for which he is elected.
- 87. Congressmen** are elected for a term of two years by the voters of the States. The number of congressmen is fixed by Congress every ten years, and **apportioned to the States according to population**. There must not be more than one congressman for every thirty thousand of population, but each State must have at least one. Each State is divided into congressional districts. A congressman must be not less than twenty-five years of age, a citizen of the United States seven years, and, when elected, an inhabitant of the State in which he is elected. The House of Representatives **elects a speaker** from among its own number.
- 88. The Territories** are not represented in the Senate. They are not States. They have one delegate each in the House of Representatives. A Territory may become a State and adopt a constitution when authorized by Congress. The chief officers of a Territory are appointed by the President of the United States.

CHAPTER III.

POWERS OF CONGRESS.—INTERPRETATION.—CHANGES.

DERIVATION AND EXPLANATION OF TERMS.

Bill of Credit. “Within the Constitution of the United States, a paper issued by a State, on the mere faith and credit of the State, and designed to pass as money.”—*Webster*.

Copyright. A right to the copy; the right of an author of a book, or other literary work, that he and he only, or some one authorized by him, may print and sell the work. Any one who prints and sells copyrighted matter without permission of the author or owner may be punished by law.

Custom. (French *coutume*, a tax, the usual or *customary* tax.) A tax or duty paid on goods brought into, or sent out of, a country. *Custom-house*, a house in which customs are paid.

Duty on tonnage. A tax paid per *ton* on goods coming into, or sent out of, a country.

Excise. (French *excise*, a tax levied on articles within a country.) *Tariff*, *custom*, or *duty* is a tax on goods when coming into, or going out of, a country. *Excise* is an inland tax levied on

articles produced or consumed inland, such as on liquors or tobacco.

Ex post facto. A Latin phrase, the English of which is, *from an after act*. *Ex post facto law*, a law which declares an act to be a crime, that was not a crime when it was committed, or before the law was made; a law which makes the punishment of a crime greater than the punishment was when the crime was committed.

High seas. The waters of the ocean beyond the land limit of any country.

Impost. (Latin *in*, upon, and *positus*, placed.) A tax imposed or put on goods.

Law of nations. “A code of rules regulating the mutual intercourse of nations or states. These rules depend on natural law, or the principles of justice which spring from the social state.”—*Webster*.

Patent. (Latin *patere*, to be open.) A paper or document (supposed to be *open* to public perusal) granted by government to pro-

tect a person's right to something he has invented. A patent for an invention is, in effect, the same as copyright for a book.

Quarter. To furnish with lodging, or food and lodging. In some countries soldiers may be quartered at private houses without the consent of the owners.

Search warrant. A warrant authorizing a public officer to search houses.

Tender in payment. What is offered or tendered as payment for goods purchased. *Legal tender* is money sanctioned or issued with authority of law.

Title of nobility. In some countries there are persons called *no-*

blemen, who have titles such as *duke, earl, marquis*. These titles are conferred by the king or sovereign, and they are hereditary. When a duke or earl dies, his eldest son has the title by right of birth. The Constitution of the United States prohibits the granting of titles of nobility.

Troops. This word is usually understood to mean companies or bodies of soldiers.

Whig. "One of a political party in the United States from about 1829 to 1853, opposed in politics to the so-called Democrats."—

Webster. *Whig* is a British political party term. Its derivation is uncertain.

89. The legislative power of Congress is limited by the Constitution. It can make no law which the Constitution prohibits. The legislative power of Congress is also, to a certain extent, limited by **the veto power of the President**. When a bill is passed by the House of Representatives and the Senate, it is sent to the President. If the President signs the bill, it is then law. But he may refuse to sign it, and, within ten days, return it to Congress with a statement of his objections. In this case the bill is said to be vetoed. It may, however, still become law. When the President vetoes a bill, if it is again passed in both houses by a two-thirds vote in each, it becomes law without the President's signature. This is called **passing a bill over the President's veto**. If the President refuses to sign a bill, and does not return it to Congress within ten days with a statement of his objections, it becomes a law without his signature and without any further vote by the Congress.

The form of procedure in passing bills in Congress is, in general, the same as that in State legislatures. This will be understood from the illustration already given of the procedure in the General Assembly of North Carolina.

The powers granted to Congress by the Constitution are :

To lay and collect taxes, duties, imposts, and excises, to pay the debts and *provide for the common defence and general welfare* of the United States.

To borrow money.

To regulate commerce with foreign nations and among the several States.

To establish naturalization and bankruptcy laws.

To coin money, and regulate its value and the value of foreign coin.

To establish post offices and post roads.

To issue patents and copyrights.

To establish courts inferior to the Supreme Court.

To define and punish piracies, and felonies committed on the high seas, and offences against the law of nations.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies, and provide and maintain a navy.

To provide for calling out the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

To exercise legislation over the district chosen to be the seat of the United States Government, and over all places purchased by the consent of the

legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

To control the territory belonging to the United States, and provide for the organization of new States.

To make all laws which shall be *necessary* and *proper* for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof.

Letters of marque are letters of license or permission granted by the government of a country to a citizen of that country, authorizing him to make reprisals at sea on subjects or citizens of another country. **Reprisal** (Latin *re*, back, and *prehendere*, to take) is the *taking (back)* of something from an enemy by way of indemnity, or equivalent, for something the enemy has taken. In times of war between countries, the governments may issue letters of marque or reprisal to any of their citizens who have been robbed or injured on the high seas by the enemy.

Having voluntarily granted these powers to Congress in the Constitution, and wishing to *avoid any conflict of authority*, the States **formally renounced** all future right to exercise **these powers**. The States agreed that

No State shall enter into any treaty, alliance, or confederation; grant letters of marque or reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bills of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or

exports except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of Congress.

No State shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay.

Bill of attainder was a method of punishment in England in former times. It was employed against persons charged with crimes such as high treason. The accused was tried by Parliament instead of in a court of law. If convicted, that is, if the bill of attainder passed, he was punished either by death or banishment. In either case his children could not inherit property through him. His blood was said to be *tainted* (Latin *tingere*, to taint) or corrupted, so that the right of inheritance was forfeited in him and in his children so far as the right came to them through him. His property was forfeited to the king.

Having granted Congress necessary powers, and having denied these powers to the States, the Constitution in the same article **denies to Congress certain powers** that might be dangerous to individual liberty or to the freedom of the States.

The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation (poll tax) or other direct tax shall be levied, except in proportion to the population of the State as shown by the census.

No tax or duty shall be levied on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, except in consequence of appropriations made by law.

No title of nobility shall be granted by the United States, and no person holding an office under them shall, without the consent of Congress, accept any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

When the Constitution was first submitted to the States, they thought the powers of Congress were still not sufficiently restricted, and so the **first ten amendments** were adopted as a further protection for individual liberty. These amendments supply the place of a "Bill of Rights," and guarantee

Freedom of religion, freedom of the press, and freedom of speech;

The right to assemble and to petition for redress of grievances;

The right to bear arms;

That soldiers shall not, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except as may be prescribed by law;

That the people shall be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures ;

That general search-warrants shall be prohibited ;

That **trial by jury** shall be guaranteed ;

That no person shall be deprived of life, liberty, or property, without due process of law ;

That the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people.

90. INTERPRETATION OF THE POWERS OF CONGRESS.—

The discussion of the Constitution before its adoption led to the formation of two political parties—the **Federalists**, who favored it, and the **Anti-Federalists**, who opposed it. After it was adopted by the States, and Congress began to exercise its powers, the two political parties could not agree as to the meaning of some of its clauses. The Constitution gives Congress power “to pay the debts and provide for the common defence and *general welfare* of the United States.” It also gives Congress power “to make all **laws** which shall be *necessary* and *proper* for carrying into execution the foregoing powers and all other powers vested in the Government of the United States.” The first of these clauses was called the “general welfare clause,” the second was called the “elastic clause.” These two clauses were the cause of bitter contests.

Alexander Hamilton and the Federalists claimed that these clauses **authorized** or implied **large powers** for Congress, which were not actually mentioned in the Constitution, and he claimed that Congress was the judge of what powers were implied. This was called “loose con-

struction." Thomas Jefferson and the Anti-Federalists favored **restricting** the **powers** of Congress to those **specified** or **necessarily implied** in the Constitution. They contended that all other powers were reserved to the States or the people, and that the Tenth Amendment distinctly stated this. This was called the "strict construction" of the Constitution.

The Federalists and Anti-Federalists were our **first national political parties**. Since their day we have had the National Republicans, the Whigs, and the Republicans, whose views as to this construction of the Constitution were similar to those of the Federalists; and we have also had the Republicans (the name first adopted by the followers of Jefferson) and the Democrats, whose views on this question of construction have been similar to those of the Anti-Federalists. Though these parties have held and advocated opposite views on many questions, the fundamental ground of difference has been the construction or interpretation of the Constitution with respect to the powers of Congress and the rights of the States. These constructions have been pleaded in support of their opposing policies on many of the great questions that have arisen from time to time.

91. It may be wondered why the framers of the Constitution did not put all its clauses into language so clear and plain that no difference of opinion could arise as to the meaning of any part of it. It must be remembered that the **Constitution was a compromise** between the opposite views of two contending parties in the Convention that framed it. The smaller States were not willing to agree to any constitution which would give them less power in Congress than the large States.

The question as to the power each State should have in Congress was settled by equal representation in the Senate. This **secured equal power in Congress for every State**, as no law can be made without the consent of the Senate. But why did the States-rights delegates agree

to the "general welfare clause" and the "elastic clause"? They either did not foresee the meaning that was afterwards given to these clauses, or they thought that the compromise of equal State power in the Senate would be a sufficient protection for the rights of the States.

Thomas Jefferson was the first Secretary of State in the new government. **Alexander Hamilton** was the first Secretary of the Treasury. They represented two great parties, each contending with the other for the control of public affairs. Jefferson was a States-rights man, an advocate of strict construction of the Constitution. Hamilton feared that under strict construction the government would be too weak to serve the great purpose for which it was established. The people at the ballot box decided between the two parties and policies. Jefferson was elected president for two terms, and Madison and Monroe, who belonged to the party of Jefferson, were each elected two terms. These three men occupied the presidential chair for twenty-four years. Here is an illustration of the fact that **the people** have much power in deciding differences in the construction of the Constitution. The language of the Constitution is general; it is left to Congress to work out the details. The people control Congress; therefore they have the power to give effect to their views as to the construction of the Constitution, unless, on final appeal, the Supreme Court should decide the law unconstitutional which Congress may pass to carry out their views. Under the provisions of the Constitution the people may decide what policy is to prevail in regard to any of the public questions discussed by the political parties. They are limited in this respect only by the Constitution as interpreted by the Supreme Court.

92. CHANGES IN THE POWERS OF CONGRESS.—Any of the great powers granted to Congress by the Constitution may be taken away by amendment, and any additional power may be granted in the same way. The Thirteenth, Fourteenth, and Fifteenth Amendments all enlarged the original powers granted to Congress. All changes have been made through amendments proposed by Congress to the legislatures of the States, and ratified by the legislatures

of three-fourths of the States, as provided in the Constitution. No State, however, can, without its consent, be deprived of its equal representation in the Senate. We may safely say that **equal representation in the Senate for all the States is the one provision in the Constitution which cannot be altered**, since it is not to be supposed that any State would consent to its voting power in the Senate being made less than that of any other State. The legislatures of two-thirds of the States may direct Congress to call a convention to amend the Constitution.

TOPICS FOR EXAMINATION AND REVIEW.

89. Congress can make no law prohibited by the Constitution. **The President may veto a bill** passed by Congress, but if the bill is passed again, and by a two-thirds vote in each house, it is **passed over the President's veto**. A bill becomes a law without the President's signature if he does not return it to Congress within ten days.
90. There was much discussion on the interpretation of the Constitution. The Anti-Federalists were for **strict construction**. They wished Congress to have only the powers specially mentioned or clearly implied in the Constitution as belonging to it. The Federalists were for **loose construction**. They held that large powers for Congress were implied in the **general welfare clause** and the **elastic clause**.
91. Why the framers of the Constitution did not put all its clauses into language clear and plain. The Constitution was **a compromise**. The small States wanted equal power in Congress with the large States. This was given by establishing the Senate with two members for each State.
92. The Constitution may be amended with the consent of the legislatures of three-fourths of the States. But no amendment can be made depriving any State of equal representation in the Senate with every other State. Two-thirds of the legislatures of the States may direct Congress to call a convention to amend the Constitution.

CHAPTER IV.

EXECUTIVE DEPARTMENT.—THE PRESIDENT AND VICE-PRESIDENT; SECRETARY OF STATE; SECRETARY OF THE TREASURY; SECRETARY OF WAR; ATTORNEY-GENERAL; POSTMASTER-GENERAL; SECRETARY OF THE NAVY; SECRETARY OF THE INTERIOR; SECRETARY OF AGRICULTURE.

DERIVATION AND EXPLANATION OF TERMS.

Ambassador. (French *ambassade*, an embassy.) One who is sent as the representative of a sovereign or government to another sovereign or government. The word **minister** is used in much the same sense. An ambassador has higher rank at the court of a king than a minister has.

Consul. (Latin *consulere*, to consult.) A person sent by government to protect the rights, commerce, and general interests of his country, in a foreign country.

Inauguration. (Latin *inauguratio*, a beginning.) The act of inducting into office with suitable ceremonies.

National debt. A debt due by a nation. In times of war a government has to spend more money than its ordinary income or revenue. To meet such expenditure it is obliged to borrow money. In this way national debts have been incurred.

Passport. There are some countries which foreigners are not allowed to visit or travel in without a passport. A person obtains a passport from the Secretary of State of his own country, and on showing it, when required, to the government officials of the foreign country, he is permitted to travel through the country (to *pass* the *ports*). The passport is a letter or document certifying that the holder of it is on lawful business.

Pension. (French, from Latin *pensio*, a paying, payment.) A stated allowance to a person in consideration of past services; especially a sum paid at regular intervals by the government to retired public officers, disabled soldiers, or to the dependent relatives of those killed in service.

Patronage. (Latin *pater*, a father.) In a political sense, as official patronage, the appointments to

office which a government official has at his disposal.

Statistics. “A collection of facts arranged and classified, respecting the condition of the people

in a *state*, their health, domestic economy, arts, property, and political strength, their resources, the state of the country.” — *Webster*.

93. THE PRESIDENT.—The executive power of the government of the United States is vested in the President, who is sometimes called the Executive or the Chief Executive. He is the highest public officer of the United States.

The President is elected for a term of four years. He must have certain **qualifications prescribed in the Constitution.**

He must be a natural-born citizen of the United States.

He must be not less than thirty-five years of age.

He must have been fourteen years a resident within the United States.

Evidently it is both a **wise and necessary** provision of our Constitution that candidates for the presidency should have these qualifications. It is natural for a man to love the country of his birth more than any other country. The chief executive officer of a great nation should be a person of large experience and mature judgment. He should, by long residence, be thoroughly familiar with its system of government and its institutions. His fellow-citizens should have opportunity of knowing him for many years as a resident citizen, so as to be assured that he is worthy to be intrusted with so important a charge, and that he is in every way capable of properly performing the duties of so high an office.

94. HOW THE PRESIDENT IS ELECTED.—The way in which the President and Vice-President of the United States are elected is prescribed in the Twelfth Amendment to the Constitution. (See Appendix, p. lxxxiii.)

On election day we do not cast our ballots for the candidates who have been nominated for the offices of

President and Vice-President. We vote for certain persons called **electors**, who collectively are called the Electoral College. In every State each political party nominates its candidates for electors, and the candidates in each State who receive the majority or plurality of votes meet afterwards and cast the electoral vote of their State for the candidates of their party for President and Vice-President.

While the people do not elect a President and Vice-President by a direct vote, the electors are instructed to vote for a particular candidate, and the vote given in favor of certain electors is a vote for that candidate. This vote is called the **popular** vote. It is interesting, because it indicates the direct preference of the people; but it is not decisive, because a candidate may receive a large majority of the popular vote, and fail to be elected, because a majority of the electoral vote is against him.

Each State is entitled to as many electoral votes as it has senators and representatives in Congress; and one elector is chosen to cast each vote to which the State is entitled. North Carolina has nine representatives and two senators. At a Presidential election each political party in North Carolina has, therefore, the names of eleven candidates for electors on its ballot for President and Vice-President.

The electors for each State meet on the second Monday in January after the election, at the capital of the State, and vote by ballot for President and Vice-President. When they have voted they send to the President of the Senate at Washington lists of the persons voted for, with the number of votes given for each. The votes from all the States are counted in presence of the Senate and House of Representatives.

The Constitution does not declare **how the votes shall be counted**, and makes no provision for a case where there is a contest as to the

legal vote of a State. In 1876 two sets of electors, each set claiming to be legally elected, met in several of the States, and each cast its electoral vote for its own candidate. In the absence of any provision for deciding which vote should be counted, **an Electoral Commission was created by Congress** to pass upon this question. The commission consisted of eight Republicans and seven Democrats, and, by a strict party vote of eight to seven, decided to receive and count the returns sent in by the Republican electors from every contested State. **To guard against similar trouble** in the future, Congress enacted a law regulating the counting of the electoral votes, which provides that in the event of two sets of returns from any State, those votes shall be counted which both Houses of Congress decide to be the true and lawful votes of the State ; but if the two Houses of Congress do not agree as to which are the **true and lawful returns**, those votes are to be counted to which the **certificate of the governor** of the State is attached.

The candidate who has received a majority of all the electoral votes is declared elected President ; but if no one has received a majority of all the electoral votes, the House of Representatives, voting by States, and each State casting only one vote, elects a President from the three persons who have the greatest number of electoral votes. The person having a majority of all the electoral votes for Vice-President is declared elected. But if no candidate has a majority, the Senate chooses a Vice-President from the two on the list who have the highest number of electoral votes for Vice-President.

In no provision of the Constitution is the Federal character of the union of States so clearly shown as in the election of a Chief Executive. The President is elected by States in the Electoral College, or by States in the House of Representatives if no election is made by the College. The election of a Chief Executive is the highest prerogative, and the fact that this is reserved to the States has been an insurmountable obstacle to those who would class

the States as mere subdivisions of a centralized nation. Any State legislature has a right to appoint electors to cast the vote of the State.

The **Territories have no part in the election** of President and Vice-President. Under the apportionment of 1891 the **total number of Presidential electors** that may be chosen for all the States is four-hundred and forty-four, equal to the total number of senators and congressmen. A majority of this number, at least two hundred and twenty-three, is necessary for the election of a President by the electors. If no Presidential candidate receives as many as two hundred and twenty-three electoral votes, the election goes to the House of Representatives. The admission of each new State changes the figures here used.

95. THE PRESIDENT'S DUTIES.—The President enters on his duties (is inaugurated) on the **4th of March** next after his election. Before inauguration he must make oath or affirmation in the following form :

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

The duties of the President of the United States are numerous and of the highest importance. So great are the powers, and so extensive is the patronage annexed to the office, that by universal sanction it has never been conferred on any one person for a longer period than **two terms**. The principal powers and duties of the President are set forth in the Constitution, Article II., Sections 2 and 3.

To assist him in the performance of his duties, Congress has provided that the President may appoint an officer to direct and supervise the business of each of the **executive**

departments. Besides being the directors of the departments to which they are assigned, those officers are **the Cabinet**, or advisory council, of the President. At his call they meet him in his official residence for the consideration and discussion of public affairs, and to receive from him any suggestions or instructions he may have to offer in relation to the business of their departments.

The Presidential Mansion, or official residence of the President, is in Washington. It is commonly called **the White House**. It is furnished and maintained at the public expense, for the use of the President.

The Constitution of the United States prescribes that "The President, Vice-President, and all civil officers of the United States, shall be removed from office on **impeachment** for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

The Senate is the court of trial in impeachment cases, just as the State Senate is in North Carolina, and when the President is tried, the Chief Justice of the United States presides in the Senate.

96. The **Vice-President** of the United States is president, *ex officio*, of the Senate. He may become President of the United States in the event of the removal of the President from office, or in the event of the President's death, resignation, or inability to discharge the duties of the office.

The President's cabinet is composed of the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture. All these are appointed by the President, but the appointment of each

must be approved by the Senate before it is valid, as must all other Presidential appointees to office. The proper carrying on of the business of the departments presided over by these officers requires an enormous number of subordinate officers, probably more than one hundred and fifty thousand. Many of them are appointed by the President, but the greater number receive their appointments from the heads of the departments in which they serve.

The Constitution failed to provide for a successor to the President in the event of the death of the Vice-President. This defect of the Constitution was remedied in 1792 by an act of Congress which provided that, in such an emergency, the president *pro tem.* of the Senate should become President, and that if there was no president *pro tem.* of the Senate, the speaker of the House of Representatives should succeed. During President Cleveland's first term, when Vice-President Hendricks died, the majority of the Senate, being Republicans, had elected one of their party president *pro tem.* Under these circumstances, if President Cleveland had died, a Republican would have succeeded as President, and the Senate recognized that this situation offered serious temptations for the assassination of the President. For that reason and others, both parties agreed upon repealing the law of 1792, and passing the "Presidential Succession Act," which provides that in the event of the death of both President and Vice-President, the members of the Cabinet, who are always of the political party to which the President belongs, shall succeed to the Presidency in the following order : Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, Secretary of the Interior.

97. SECRETARY OF STATE.—The Secretary of State is the principal cabinet officer. He countersigns all proclamations and important official documents issued by the President. He has custody of the Great Seal of the United States. He publishes the laws enacted by Congress. He has direction of the **diplomatic or foreign affairs** of the country. He communicates with, and,

when necessary, gives instructions to, our **ambassadors, ministers, and consuls** in foreign countries.

The United States send to the capitals of foreign nations certain officers who are called ambassadors or ministers. An ambassador or minister represents our government (that is, the Government of the United States) in any matter that may arise between it and the government of the country to which he is accredited. It is his duty to **guard American interests** in that country, and, if necessary, to protect American citizens who may be residents in it, or travelling there on business or pleasure. American consuls are business agents of our government in foreign countries to look after and protect American interests at important business centres. In every considerable town or city in nearly every foreign country, there is a resident United States consul. The consuls not only protect American mercantile rights and interests when necessary, but they send to the Secretary of State at Washington reports on the trade, industrial, and commercial affairs in the cities or countries in which they reside. These reports are printed at the public expense. They are very valuable to our manufacturers and merchants, who find in them reliable information which is of use to them in their business enterprises in various parts of the world. In a semi-civilized country all American citizens charged with violating the law of that country are tried before the American consul; but in a civilized country, like England, American citizens violating the laws are tried in the regular courts of that country.

The Secretary of State furnishes **passports** to American citizens about to travel in foreign countries where passports are required. Every foreign country is represented in the United States by an ambassador or minister, who resides at Washington. When these ministers desire to communicate with our government, they do so through our Secretary of State.

98. SECRETARY OF THE TREASURY.—The Secretary of the Treasury has the management of the financial affairs of the United States. It is his duty to prepare plans for the improvement of the revenue, and to superintend the

collection of it. He grants warrants for all moneys drawn from the treasury, and every year he presents to Congress a statement of the income and expenditure of the government. He issues periodical reports relating to the **national debt**. He superintends the **coinage of money**, and the issue of paper currency (paper money). He supervises the national banks, and he has charge of the national treasury at Washington.

The Treasury Building in Washington City covers four acres, and contains the vaults in which are deposited millions of dollars of gold, silver, and national bank bonds. Over sixteen thousand persons are employed in the Treasury Department, twenty-five hundred of them being in this building. The custom-houses at all our sea-ports are under the Treasury Department. The internal revenue collectors and other officers throughout the United States are controlled by the Secretary of the Treasury, and he has at his command a force of secret service detectives. The United States Mints, where our gold and silver is coined, are located at Philadelphia, New Orleans, Carson City, and San Francisco.

99. SECRETARY OF WAR.—The Secretary of War has direction of the military service of the country. He supervises all expenditure of public money for the support of the army of the United States. He has supervision of the United States Military Academy at West Point. He has control of the improvement of rivers and harbors. Plans for bridges over navigable waters in the United States must be inspected and approved by him after Congress has given authority for such bridges.

The United States Military Academy at West Point was established by the Government in 1802 for the education of officers for the army. The **students** of the academy are called **cadets**, and each one, upon his appointment, becomes a soldier of the United States Army, enlisted for eight years, four of which are passed at the academy and four in active service after his graduation. The cadets are appointed as follows: One from each congressional

district, one from the District of Columbia, one from each Territory, and ten from the United States at large. They are all appointed by the President, but **each member** of the House of Representatives has the **privilege** of nominating the **one** from his congressional district, and the Territorial delegate nominates the one from his Territory. The cadets from the District of Columbia and the ten from the United States at large are appointed by the President personally without being nominated by any one. Each cadet must be not less than seventeen nor more than twenty-two years of age, must pass an examination prescribed by the officers at West Point, and also a physical examination as to his height and physical strength. It is the privilege of the Representative in Congress to nominate any one he pleases when a vacancy occurs in his district, but of late years many **congressmen have held a competitive examination**, in which every young man in the district has the right to compete, and have awarded the nomination to the candidate who passes the best examination. Upon their graduation the **cadets are commissioned second lieutenants** in the army. Each cadet receives an allowance while he is at the academy sufficient to pay his entire expenses for clothing, board, etc. All the expenses of the academy are paid by an appropriation by Congress, and the course of instruction is designed to give the best intellectual and military training to the men who will in future days command our armies.

100. THE ATTORNEY-GENERAL.—This officer is the law agent of the government. He performs for the United States Government duties analogous to those performed for a State Government by the State Attorney-General.

101. THE POSTMASTER-GENERAL.—The post-office service of the country is under the direction of **the Postmaster-General**. He has the appointment of a very large number of officers. The prompt transmission of the **mail matter**, and the efficient discharge of the duties of his office, are of very great importance to the people in their every-day life.

The Post-Office Department has six hundred clerks in the building at Washington, and over one hundred thousand employees outside.

Of the latter, sixty-three thousand are postmasters, and six thousand are employed in the railway mail service.

102. SECRETARY OF THE NAVY.—The Secretary of the Navy has control of our naval forces. He superintends and directs the construction and equipment of the United States ships of war.

The Naval Academy at Annapolis, designed to train officers for our navy, is organized upon the same plan as the Military Academy at West Point. The students are called cadet midshipmen, and must be not less than fourteen nor more than eighteen years old. The number of cadet midshipmen is the same as the number of cadets at the Military Academy, and they are appointed in the same way. The course embraces six years, and includes a cruise which will familiarize the midshipmen with the practical handling of a ship. Of late years the two members of each class graduating with highest honors are sent abroad to study naval architecture at the expense of our government.

103. THE SECRETARY OF THE INTERIOR.—A vast amount of public business is directed by the **Secretary of the Interior**, including the management of the **public lands**, the issuing of **patents**, the granting of **pensions**, government relations with the Indians, the **decennial census**, and the preparation and publication of **statistics on education**.

104. THE SECRETARY OF AGRICULTURE.—This officer supervises public business relating to the agricultural interests of the country. He has direction of a number of bureaus (departments) in which **scientific investigations and experiments** are made with the object of improving, promoting, and disseminating knowledge on all matters pertaining to the cultivation of land, and the proper management of farm live-stock.

The **Weather Bureau** was originally organized under the Department of War, but has been transferred to the Department of Agriculture. All over the United States are **officers** of the Bureau,

called **observers**, whose duty it is, at regular times each day, to observe the temperature, the amount of moisture in the air, the direction and velocity of the wind, and the rainfall or snowfall, and to telegraph these reports to Washington City. From these reports the Weather Bureau prepares "forecasts" which inform the people what kind of weather may be expected the next day. **Cold weather** comes in waves across the country, and the observers telegraph the coming of a cold wave, so that **farmers** and gardeners **have timely notice** and can protect their growing crops from the frost. If sugar-cane freezes, the sugar is injured, and for several years past the sugar planters of Louisiana have had one or two days' notice of the coming of a cold wave, which has enabled them to save their crops. The **coming** of a **storm** is also observed, and storm signals are displayed at all the ports so that ships about to sail can wait until the storm has passed. Small flags are used as signals.

TOPICS FOR EXAMINATION AND REVIEW.

93. The President is **Chief Executive** of the United States. He is elected every four years. He **must be a native of the United States**, not less than thirty-five years of age, and a resident in the United States for fourteen years.
94. The President and Vice-President are elected, not directly by the people, but by **electors** who are elected by the voters in each State. Each State has as many electors as it has senators and congressmen. Election of President and Vice-President by electors requires a majority. If no candidate has a majority, the President is elected by the House of Representatives; the Vice-President is elected by the Senate.
95. The President is **inaugurated** on the **4th of March** next after election. He must take an oath or make affirmation that he will discharge the duties faithfully and support the Constitution. The President has officers to assist him. They are called **the Cabinet**. The President and all civil officers may be impeached. Trial on impeachment is by the Senate. If the President is impeached, the Chief Justice presides at the trial.
96. The Vice-President is **President of the Senate**. He becomes President of the United States if the President is removed from office, or resigns, or dies, or is unable to discharge the duties. The cabinet officers are appointed by the President, **subject to approval by the Senate**. They are the **Secretary of State**, of

the Treasury, of War, of the Navy, of the Interior, of Agriculture, the Postmaster-General and the Attorney-General.

97. The Secretary of State is the principal cabinet officer. He countersigns important documents issued by the President. He has direction of the **foreign affairs**. He communicates with and instructs United States ambassadors, ministers, and consuls.
98. The Secretary of the Treasury **has charge of financial affairs**. He superintends collection of revenue, makes reports to Congress of government income and expenditure, controls the coinage, supervises the national banks, has charge of the national treasury.
99. The Secretary of War **directs the military service**. He supervises expenditure for the army, controls improvements of harbors and rivers, and inspects plans for bridges over United States navigable waters.
100. The Attorney-General is the agent and adviser of the government in matters of law.
101. **The post-office service** is directed by the Postmaster-General.
102. The Secretary of the Navy **controls the naval forces**, and directs the construction and equipment of United States war ships.
103. The **Secretary of the Interior** directs the management of public lands, the granting of patents and pensions, our relations with the Indians, the taking of the census, and the publication of statistics on education.
104. The Secretary of Agriculture directs a number of bureaus in which **scientific experiments** are made for the promotion of knowledge as to **the cultivation of land** and the proper management of farm live-stock.

CHAPTER V.

SUPREME COURT OF THE UNITED STATES.—CIRCUIT COURTS OF APPEALS.—CIRCUIT COURTS.—DISTRICT COURTS.

DERIVATION AND EXPLANATION OF TERMS.

Admiralty and maritime jurisdiction. Every ship has a name and a home, and sails under the flag of some nation. All controversies concerning ships are called admiralty cases, and all crimes committed on a ship come under the admiralty jurisdiction of the nation under whose flag the ship sails. In the United States the Federal courts have charge of all admiralty and maritime cases, and no cases concerning shipping can be brought into State courts.

Circuit courts. *Circuit.* (Latin *circum*, around, and *ire*, to go.) The judges *go around* and visit different parts of a State or country to hold *circuit* courts.

Original jurisdiction. The authority of a court to try a case on its first hearing. The court in which a party may begin an action is said to have original jurisdiction of that action. It is distinguished from *Appellate jurisdiction*, which is the authority to try cases on appeal from a lower court.

Quorum. (Latin *quorum*, of whom.) Such a number of officers or members of any body as is competent by law or constitution to transact business. A majority of all the members usually makes a quorum. (The term arose from the Latin words that were formerly used in commissions issued to justices of the peace.)

105. The judicial power of the Government of the United States is vested by the Constitution in one Supreme Court, and in such inferior courts as Congress may, from time to time, establish. The judges who preside in these courts are appointed for life, but may be removed upon impeachment and conviction. Any judge who has attained the age of seventy years and has been on the bench for ten

years, may, if he desires, retire upon full pay. The United States courts are called Federal courts to distinguish them from State courts.

The judicial power of the United States extends to all cases in law and equity arising under the Constitution and laws of the United States, and under our treaties with foreign nations; to all cases concerning ambassadors and other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies between two or more States, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States. The clause in the Constitution which defines the judicial power of the United States was construed to permit an individual to sue a State in the United States courts, and this construction was very objectionable to the States, because each State was a sovereign, and in law a sovereign cannot be sued without his consent. The Eleventh Amendment was adopted to prevent such a construction being placed upon the words of the Constitution granting judicial power to the United States courts.

106. THE SUPREME COURT.—The Supreme Court consists of a Chief Justice and eight Associate Justices, and six of these constitute a quorum. The court sits in Washington, and the justices all wear black robes. Any lawsuit in which an ambassador, minister, or consul of another nation, or one of the States of the Union, is a party, may be brought at once in the Supreme Court of the United States, and the court is said to have “original jurisdiction” over these cases. Very few such cases occur. All other cases, however, can be brought to the Supreme Court only upon an appeal. The Supreme Court is the court of last resort in America, and has the power to declare any law void when, in its opinion, that law conflicts with the Constitution. It has the power to interpret the Constitution where doubt exists as to the construction, and also to interpret all laws that may be passed by Congress. Our Supreme Court has always been composed of men of the highest

ability, and its decisions are recognized in all the civilized world.

While the Supreme Court is the highest legal tribunal and the court of last resort in the United States, it is **only so** in cases coming under the laws of Congress or involving a **construction** of the **Constitution** of the United States. In all **law-suits between citizens** of a State and in all criminal prosecutions under the State law, **the Supreme Court of each State** is a court of final resort, and the Supreme Court of the United States has **no authority** to review or reverse the decisions of the Supreme Court of any State **unless** the **decision** involves a **construction** of the Constitution of the United States.

107. THE INFERIOR COURTS.—Under the authority given by the Constitution, Congress has established a number of courts inferior to the Supreme Court. These include the Circuit Courts of Appeals, the Circuit Courts, the District Courts, and the Court of Claims. In the District of Columbia and in the Territories, Congress has established courts which have only **local** jurisdiction and take the place of State courts in their respective localities, but do not concern the States.

108. CIRCUIT COURTS OF APPEALS AND CIRCUIT COURTS.—The United States is divided into nine circuits, and one justice of the Supreme Court, called the Circuit Justice, is assigned to each one of these circuits. At least once in every two years, during the recess of the Supreme Court, the Circuit Justice held a court in each State of his circuit. The District Judge sat with him, and the court was called the Circuit Court. It had appellate jurisdiction. In 1869, to relieve the Supreme Court Justices of a part of the work, Congress provided for the appointment of nine Circuit Judges, one for each of the circuits, and provided that the Circuit Court might be presided over either by the Supreme Court Justice or the Circuit Judge, or by either of them in connection with the District Judge.

Only a few years since, Congress created, between the Circuit Court and the Supreme Court, an intermediate court, which is called the Circuit Court of Appeals, and which is intended to relieve the Supreme Court of much of its labor by hearing appeals from the lower courts. An additional Circuit Judge was appointed for each circuit, and the Circuit Court of Appeals is held by two or three of the Circuit or District Judges, with the Supreme Court Justice of the circuit, or one of the Circuit Judges, presiding. (The second circuit, which includes New York, has three Circuit Judges.) This court was made a court of final resort in all civil suits involving less than five thousand dollars, and in all criminal cases except those involving the constructions of the Constitution. The Circuit Court thus ceased to be an appellate court.

North Carolina is in the fourth circuit. Maryland, South Carolina, Virginia, and West Virginia are the other States constituting this circuit. Terms of the Circuit Court are held regularly in the districts of North Carolina. The Circuit Court of Appeals for the circuit is held in Richmond, Va.

109. DISTRICT COURTS.—There is a District Court in each State, presided over by a District Judge, and in North Carolina and the larger States there are two districts, with a judge for each. (New York has three District Judges.) Each District Judge is a citizen of the State in which he is appointed, and he may also hold a Circuit Court. The District Court has original jurisdiction in admiralty and maritime cases.

The laws about ships and vessels are called admiralty laws, and are very peculiar and interesting. Every vessel must have a **name** which cannot be changed, must have a **home** and be registered there, and must sail **under the flag** of some nation. Every vessel is responsible for its own debts and any damage it may do, and can be sued just like a person. The right to try these cases is called

admiralty jurisdiction. The deck of every vessel, in whatever part of the world it may be, is regarded as the **soil** of the nation under whose flag it sails, and **crimes** committed at sea **are under** the **maritime jurisdiction** of that nation. No State courts have any jurisdiction in such cases. They all come under the **admiralty and maritime jurisdiction** of the nation, and are reserved by the Constitution to the Federal courts.

JURISDICTION OF THE FEDERAL COURTS.—Although the District and Circuit Courts are created by Congress and are called Federal courts, the grand jury that brings in indictments, the petit jury before whom the cases are tried, the attorney who prosecutes, and all the officers that serve the courts, are citizens of the State in which the court is held. It will, therefore, be seen that in the **State citizenship** of the persons constituting it, each Federal Court in North Carolina does not differ at all from the State courts organized under the State Constitution. Before these courts every citizen of North Carolina has a right to be tried when he is charged with violating in this State any of the laws of the United States.

All the post offices in each State are established and conducted under the United States laws; the national banks in each State, though the stockholders are citizens of the State, are organized under the United States laws; the internal revenue taxes collected in each State are imposed under the United States laws; patents to inventors and copyrights to authors are granted under United States laws; and most of the persons who are prosecuted in these courts are charged with violating some of these laws, or with counterfeiting the coins or notes of the United States. The prosecution of such persons comes within the **criminal jurisdiction** of the Federal courts.

Foreigners or citizens of other States can sue residents of North Carolina in the Federal courts of this State, but

the laws of North Carolina govern the case. Railroad companies and telegraph lines, organized under the laws of one State but operating in other States, or indebted on their bonds to persons living in other States, come within the jurisdiction of the United States courts, and cases in which these parties are interested come within the **civil jurisdiction** of the Federal courts.

It will thus be seen that the authority of the Federal courts extends to **very few controversies** affecting citizens of North Carolina. All controversies between citizens come within the **jurisdiction** of the **State courts**, and the decision of the Supreme Court of **the State** in all such cases is final unless a **construction** of the **Constitution** of the United States is involved.

110. A citizen cannot sue the United States. Still, many persons have just claims against the United States, concerning which there may be controversy with some officer of the government. For such cases Congress has created a Court of Claims, which consists of five judges and holds its sessions in Washington. Any person having a claim against the United States can have it passed upon by this court, and if the decision is in his favor, Congress may make an appropriation for its payment.

111. UNITED STATES COMMISSIONERS are officers appointed by the Federal Circuit Court, with authority to issue warrants for the arrest of persons charged with violating the United States laws, and to bind them over to appear at the next term of court. These commissioners in the Federal Court system occupy a place very much like justices of the peace in the State. There is no limit to the number that may be appointed. They do not draw regular salaries, but are paid fees for work done.

In each Federal Court district, a United States District Attorney is appointed to represent the government

in all cases of prosecution in his district. His duties are very similar to those of the prosecuting attorneys in the State. There is also appointed a marshal for each district, who executes all orders of the court, arrests persons charged with violating the United States laws, and discharges all the duties that in the State courts are intrusted to the sheriff of the county. District attorneys and marshals are appointed by the Executive Department.

TOPICS FOR EXAMINATION AND REVIEW.

105. The judicial power of the United States is vested in **one Supreme Court** created by the Constitution, and in inferior courts created by Congress. They are called **Federal courts**. Judges are appointed for life.
106. The Supreme Court is the **highest judicial authority** in the United States. It has power to construe the Constitution and to interpret all laws passed by Congress. It consists of a Chief Justice and eight Associate Justices.
107. Congress has created the **Circuit Courts of Appeals, Circuit Courts, and District Courts**, held in the different States, and the **Court of Claims**, which sits in Washington, all inferior to the Supreme Court. Congress has also created for the District of Columbia and the Territories courts which have **only local jurisdiction** and supply the place of State courts in their localities.
108. The United States is divided into **nine circuits**, and one Justice of the Supreme Court is assigned to each circuit. Two Circuit Court Judges are appointed for each circuit. Two or three of the Circuit or District Judges, with the Supreme Court Justice of the Circuit or one of the Circuit Judges presiding, constitute the Court of Appeals for the circuit. Circuit courts no longer have appellate jurisdiction.
109. There is **one District Court** in each State, and **two** in the larger States, including **North Carolina**. One judge is appointed for each district. The District Judge, the United States **Grand Jury**, the United States **Trial Jury**, and **all the officers** of the Federal courts, are **citizens of the State** where it is held. The criminal jurisdiction of the Federal courts extends to persons who have violated the laws of Congress; the civil jurisdiction, to controversies between citizens of the State and citizens of some other State.

- 110.** The United States **cannot be sued**, but parties having claims against the government can bring their cases in the **Court of Claims**.
- 111.** **United States Commissioners** are appointed by the Circuit Court, and take the place of justices of the peace in the Federal Court system. A United States **District Attorney** is appointed for every district to prosecute violators of the law, and a **marshal** who serves the **Federal courts** just as a **sheriff** serves the State courts.

CHAPTER VI.

INTERSTATE COMMERCE COMMISSION.—CIVIL SERVICE COMMISSION.—COAST SURVEY, LIGHT-HOUSES, AND LIFE-SAVING.—NAVAL OBSERVATORY.—DEPARTMENT OF LABOR.—FISH COMMISSION.—THE UNITED STATES FLAG.

DERIVATION AND EXPLANATION OF TERMS.

Buoy. (Pronounced *boi*.) (From the Latin word *boia*, a kind of chain ; so called because it is chained to its place.) A float ; especially a floating object moored to the bottom to mark a channel, or to point out the position of something beneath the water, as an anchor, a shoal, a rock, etc.—*Webster*.

Capital. Money, accumulated property, or stock, employed in trade or manufactures. When wealth is employed to assist production it is called capital. Used figuratively to represent the men who own the capital.

Geodetic. (From the Greek *gea*, the earth, and *daiein*, to divide.) That branch of surveying in which the curvature of the earth is taken into account, as in the surveys of the long lines of coast.

Labor. Work ; hard, muscular effort directed to some useful end. The word is used here figuratively to represent the people who work for men with capital.

Strike. The act of quitting work ; especially such an act by a body of workmen, done as a means of enforcing compliance with demands made on their employers.—*Webster*.

112. With the growth of our government in population, Congress has found it desirable to use the general powers given it by the Constitution, and has created a number of additional officers to look after certain matters which time and experience have shown to be very necessary for the general welfare of all the people. These matters are usually intrusted to a body of officers, some-

times called a bureau and sometimes a commission. Some of these are under the organized departments, while others are entirely independent of such control.

113. INTERSTATE COMMERCE COMMISSION.—When the framers of the Constitution gave Congress the power to regulate the commerce between the States, railroads were not dreamed of, and all commerce between States was either by ships or in wagons, and very little legislation was necessary to regulate it. The building of **railroad lines** placed the transportation of articles of commerce between the States in the hands of great railroad companies, and no one State could exercise any control except over the part of the railroad line passing through its borders. The fact that these railroad companies transported articles of commerce from one State to another gave them the power to fix the rates of freight, and this power was frequently used to build up certain cities or communities and to injure others. In 1887, therefore, Congress passed a law to regulate interstate commerce by preventing any railroad company from discriminating against any town, city, or State, in the transportation of articles of commerce or in the freights charged on such articles. The enforcement of this law was placed in the hands of five commissioners appointed by the President with the approval of the Senate, called the Interstate Commerce Commission. It is not under any of the regular departments.

During the recent railroad strike at Chicago, the railroads complained to the United States District Court that parties were interfering with the commerce between the States by preventing them from running their trains, and asked the protection of the court under the laws of commerce. The court granted the order restraining all parties from interfering with trains, and the President sent one of the generals of the regular army with a large body of United States troops to Chicago to enforce the decision of the court, and to protect interstate commerce.

114. CIVIL SERVICE.—Besides the President and Cabinet, a great many subordinate officers are needed to transact the business of the government. Books and accounts must be kept, letters must be written, and all the details of business must be looked after, and this work is called the **civil service** of the government, to distinguish it from the **military service** rendered by army and navy officers, and from the **diplomatic and consular service** rendered by ministers and consuls in foreign countries.

At first the number of these civil officers was comparatively small, but year by year it has increased until it reaches one hundred and fifty thousand, and the amount of money appropriated in a recent year to pay their salaries was thirty-five million dollars.

During the term of the first President very few office-holders were removed; partly because, in our rapidly growing country, office work at a small salary did not attract men, and partly because, after the election of Jefferson in 1800, the same party remained in power for many years.

As different political parties came into power from time to time, there was a growing disposition to **remove all office-holders who belonged to the opposite party**, until finally it came to be understood that no person should expect to remain in the service of the government who did not belong to the party in power. In the course of time a majority of the people became convinced that persons holding clerical positions in the government should not be removed for political reasons, and that when vacancies occurred they should be filled by appointments based upon the merit of the applicant, and not upon the favor of any political party. The result was that Congress a few years ago passed an act to **regulate and**

improve the civil service of the United States, which is generally known as the Civil Service Act.

115. CIVIL SERVICE COMMISSION.—This act provided a civil service commission of three members, who must belong to the two leading political parties, and whose duty it was to prepare suitable rules for carrying out the act, to make regulations for, and control the examination of, applicants for office, and to investigate and report upon the enforcement and effect of their rules and regulations.

The Civil Service Law applies to all persons holding office in the departments at Washington, except laborers and workmen, and no person can be assigned to any clerical duty without examination under the Civil Service rules. **Promotions** in the departments are to be made upon **merit**, and **competitive examinations** are held to test the fitness of the person for promotion. Whenever a vacancy exists in any department, the appointing officer applies to the Commission or Examining Board for the names of three persons who have passed the examinations and are eligible for the place. One of the three must be selected, and in the departments at Washington the **appointments are apportioned among the States on the basis of population**, so that each State shall have its appropriate share of the public offices. The appointment is made at first for six months on probation, and if at the end of that time the party is found to be satisfactory, it becomes permanent. **Examinations are held** under the Civil Service Commission at certain times **in the different States**, and any person who wishes to take the examination must make a written application upon a blank prepared for the purpose. Clerks in the custom-houses and post offices and in the railway mail service all come under the provisions of the Civil Service Act, and the President has the power to include other department officers under

its provisions from time to time. This act does not apply to any officers appointed by the President with the advice and consent of the Senate.

116. COAST SURVEY, LIGHT-HOUSES, AND LIFE-SAVING.—The United States Coast and Geodetic Survey is a bureau of the Treasury Department, and was established in 1807. Under this department **surveys** have been made **of all the coasts** of the United States, and maps have been published showing the depth of water at all points along the entire coast.

There is also a board, called the Light-house Board, under whose direction the government has built and supports at various points along our coast, and also along the Great Lakes, **two thousand light-houses**, where lights are kept burning every night to prevent approaching vessels from being shipwrecked. The location of each light-house is marked on the chart, and the different light-houses are distinguished from each other by flashes and colored lights in such a way that a **ship captain** who sees the light can tell his exact location. Where it is impracticable to build light-houses, light-ships are placed, and along the channels are floating iron cylinders called **buoys**. The government also maintains, at points of special danger along the coast, **life-saving stations**, where men are kept on watch at all times and trained to rescue sailors from ships that are driven upon the shore. There is also a **Naval Observatory at Washington**, splendidly equipped, that makes observations and furnishes documents to United States vessels. Congress has done all these things under the general power given it to regulate commerce.

117. THE DEPARTMENT OF LABOR.—This department was originally established as a bureau of labor and statistics, but it is now one of the executive departments, al-

though the commissioner in charge is not a member of the President's Cabinet. It is the duty of this commission to collect statistics and to look after the interest of laboring men. It is designed to promote the prosperity of the working classes, and has power to inquire into the cause of "**strikes,**" and, if possible, to settle controversies between capital and labor.

118. FISH COMMISSION.—This Commission, under the charge of a Commissioner of Fish and Fisheries, is designed to supply the rivers and lakes of the United States with suitable kinds of fish. Fish culture has come to be quite a science, and every year this department sends out over the United States millions of young fish that are placed in the different rivers and lakes. Of course, many of these fish die, but enough survive and develop to stock the river, and, in time, to furnish people living along its banks with fishing.

119. THE FLAG OF THE UNITED STATES.—A flag in a political sense is an emblem or a symbol of a nationality or government. Every nation has a flag of particular design and pattern, which is displayed on its public buildings on occasions of national interest or importance. Ships at sea bear the flag of the country to which they belong; and by the flag it bears, the nationality of a ship may be ascertained by those on board another vessel that is within sight.

The **first flag of the United States** was ordained by the Continental Congress in 1777. On June 14, in that year, Congress resolved:

"That the flag of the thirteen united States be thirteen stripes alternate red and white, with thirteen stars white in a blue field representing a new constellation."

Subsequently two stripes and two stars were added. **Our present national flag** is designed in accordance with an act of Congress passed in 1818, and approved on April 4 of that year. The act is as follows :

“That from and after the fourth day of July next, the flag of the United States be **thirteen horizontal stripes**, alternate red and white; that the union be twenty stars, white in a blue field.

“That on the addition of every new State into the Union, one star be added to the union of the flag; and that such addition shall take effect on the fourth day of July then next succeeding such addition.”

The **union of the flag** is that portion of it which contains the stars. Our flag is sometimes called **the star-spangled banner**. The thirteen stripes represent the thirteen States of which the United States was first composed.

We sometimes speak of **loyalty to the flag**, the **protection of our flag**. In these phrases, the word *flag* means our country, or our government. We should all be loyal to, and proud of, our national flag. It is the emblem of a great and a free nation, in which equal opportunities in the pursuit of happiness are open to all. The star-spangled banner represents a government of the people, by the people, and for the people.

TOPICS FOR EXAMINATION AND REVIEW.

112. The growth of the government has made a number of additional officers necessary to look after matters of general welfare. **Congress has created a number of bureaus and commissions.**
113. **The railroad lines** carry articles of commerce between the States. The right to fix freight rates gave them control of commerce. To **prevent discriminations** which might injure a

State or city, the **Interstate Commerce Commission** has been created by Congress with power to control the railroads.

114. The keeping of books and accounts, writing of letters, and looking after the details of the government, is called **Civil Service**. Many persons are employed in this work. At first few changes were made, but in late years **removals** for political reasons became frequent. To prevent this, Congress passed the Civil Service Act.
115. The **Civil Service Commission** consists of three members who belong to the two leading political parties. The duty of this commission is to prepare examinations for applicants to positions, and to see that no removals are made for political reasons. **Appointments** and **promotions** are to be made **upon merit** as the result of examination. Appointments are apportioned among the States according to the population. **Examinations** are held in the different States.
116. The United States has made a **survey of the coast** and published charts showing the depth of water at various points. **Lighthouses** are provided at different points as a protection against shipwreck. **Life-saving stations** are kept on the coast to rescue sailors. The **Naval Observatory** at Washington is splendidly equipped.
117. The **Department of Labor** is to collect statistics and to look after the interest of laboring men.
118. The **Fish Commission** attends to supplying our rivers and lakes with suitable kinds of fish.
119. The **flag** is an emblem of **nationality**. The first flag was adopted in 1777, and consisted of thirteen stars and thirteen stripes. The present flag was adopted in 1818. A new star is added for each new State.

CHAPTER VII.

CITIZENSHIP.—NATIONAL POLITICAL PARTIES.

DERIVATION AND EXPLANATION OF TERMS.

Prince. (Latin *princeps*, the first, and this from Latin *primus*, first, and *capere*, to take.) The first or highest in rank ; a monarch or the son of a monarch.

Potentate. (Latin *potens*, being able, having power.) A person

having great power, as a prince or monarch.

Statesman. A man who is skilled in affairs of *state*, that is, of government ; a man who has great knowledge and much experience in the direction of public affairs.

120. The Constitution of the United States was amended in 1868, so as to declare that

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

Under this provision all natives of the United States are citizens. **Foreigners may become citizens** by complying with the naturalization law made by Congress. To be naturalized, a foreigner must have certain qualifications, and he must do certain things.

He must reside at least **five years in the United States.**

He must be of good character.

He must have some knowledge of the principles of our system of government.

He must “**declare intention**” two years before he applies for naturalization.

The last-mentioned condition means that the foreigner must go to a proper court, and formally make oath or affirmation that it is his intention to become a citizen of the United States. If, two years after such declaration, he has been living five years in the United States, he may obtain a certificate of naturalization by again going to a proper court and making oath or affirmation as follows :

“I . . . residing in the . . . do solemnly swear (or affirm) that I will support the Constitution of the United States ; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly to the . . . of whom I was before a subject.”

In the last blank is inserted the name of the king or sovereign of the country to which the applicant formerly owed allegiance, or, if a republic, the title of the republic.

The Constitution and the law of Congress prescribe the conditions of *citizenship*, but citizenship does not carry with it the right to vote. It only gives a person the right of protection for life, liberty, and property, in every State and in foreign countries. The qualifications required for *voters* in each State are prescribed by the law of the State, subject to the Fifteenth Amendment, which prohibits a State from making a race or color test. No citizen of the United States can vote even for President, except in some State whose laws give him the right to do so. But while Congress cannot force a State to give the right

to vote, it can cut down the representatives of any State in Congress in proportion to the number of males excluded from voting except for crime.

The qualifications required for *voters* in each State are prescribed by the law of the State. All the States do not require the same qualifications. In some the right of voting is conferred on foreigners when they have declared their intention of becoming citizens of the United States. In a few of the States no one is allowed to vote who is not able to read the Constitution in the English language. Most of the States require a residence of one year in the State, four months in the county, and thirty days in the election district. This means that before a citizen can vote in any election district he must have lived in the district at least thirty days immediately preceding the election, and he must have lived four months in the county and one year in the State.

Some Western States give females over twenty-one the right to vote, and in many Northern States such females are given the right to vote for school trustees.

Citizens qualified to vote for State officers are qualified to vote for Presidential electors and congressmen, but they must vote in the State and district in which they reside. Citizens of the United States living in the District of Columbia or in a Territory have no vote in electing a President. Strictly speaking, there are no national elections, although some incorrectly apply this term to the election of a President or congressmen.

121. NATIONAL POLITICAL PARTIES.—The principle and systems of State party organization have already been explained. There is also an organization of parties for national political purposes; that is, to form a **national**

political platform, and to conduct campaigns and make other arrangements for national elections.

Each political party holds a **National Convention** once every four years. The business of the Convention is to prepare and issue a platform of national political policy, and to nominate candidates for the offices of President and Vice-President of the United States. At the National Convention all the States are represented by delegates. These delegates are chosen for each State at a convention in the State.

Besides issuing a platform and nominating candidates, the National Convention forms a **National Committee** to direct the work of the national election campaign. A great deal of work has to be done. Money must be collected to pay expenses. Speakers must be chosen to make speeches in various places in support of the platform and the candidates.

Persons who make public speeches in political campaigns are said to be **on the stump**. In former years the *stump* of a tree was often the stage from which political speakers at election times addressed meetings in the open air. From this practice the phrases, *to take the stump*, *to go on the stump*, *to stump it*, came into use as meaning to go on a speaking tour in an election contest.

The National Convention is usually held in some city in a central part of the United States. At the National Convention every State, being represented by its delegates, has an influence in the formation of the national platform, and in the selection of candidates for the offices of President and Vice-President.

It is sometimes difficult to make a national platform satisfactory to all the members even of the same party. The difficulty arises from the **great diversity of interests** that must necessarily exist in a country of such vast extent as ours. Many of the States of our Union are very dif-

ferent from one another in climate, soil, and resources. Owing to such differences of condition it is natural that there should be diversity of need and of opinion in regard to national legislation. At a National Convention the effort must, therefore, be to lay down **fundamental principles**, upon which the party is as nearly as possible agreed. By the platform adopted at the National Convention, the action of the party throughout the country on national questions is directed. The party in every State supports the platform and the candidates agreed on at its National Convention.

This is another illustration of the representative principle of the republican system. The National Convention represents the whole party, since it consists of delegates from each State. The State Convention, at which the delegates to the National Convention are chosen, represents the party in the State, because it is composed of delegates from the different counties of the State.

Thus the people have opportunity, through the party organizations, to give effect to their opinions on all political questions. Those of the people who do not choose to act through political parties have opportunity at the ballot-box on election day to do their share in the work of helping to maintain good government, or, if necessary, in the work of improving the administration of government. If there is anything wrong in our government, **the people may apply the remedy**, and it is their duty to do it. A share of this duty devolves on every citizen. The citizen who fails or refuses to do his share, either through a political party or at the ballot-box, in the work of supporting what is good and remedying what may be bad in the laws or in the administration of them, does **a wrong**, not merely to himself, but **to all his fellow-citizens**.

TOPICS FOR EXAMINATION AND REVIEW.

- 120.** Persons born or naturalized in the United States are citizens. **To be naturalized**, a person must live five years in the United States, must be of good character, must have some knowledge of our system of government, must "**declare intention**" two years before naturalization, and must make oath or affirmation that he will support the Constitution, and that he abjures allegiance to any foreign State. The States prescribe **qualifications for voters**. In most of the States the qualification is residence of one year in the State, four months in the county, and thirty days in the election district.
- 121.** Each political party has a **National Convention** every four years. The Convention **issues a platform** and **nominates candidates** for the offices of President and Vice-President. Delegates from each State are at the Convention. The delegates are chosen at conventions in their State. The National Convention forms a National Committee to direct the election campaign. Through its delegates at the National Convention **every State has influence in making the platform** and nominating the candidates.

CHAPTER VIII.

IMPORTANT DOCUMENTS.

122. In the Appendix will be found important documents, to which reference has frequently been made in Parts II. and III. of this book. The documents are :

1. The Mecklenburg Declaration of 20th May, 1775.
2. The Mecklenburg Committee Resolves of 31st May, 1775.
3. The Declaration of Independence.
4. The Constitution of North Carolina, adopted 17th December, 1776.
5. The Articles of Confederation.
6. The present Constitution of North Carolina.
7. The Constitution of the United States.

These documents **should be carefully studied.** Every American ought to be thoroughly familiar at least with the Constitution of the United States, and the Constitution of the State in which he resides. Cicero, in his treatise "On the Laws," tells us that the code known as the "Twelve Tables" was an indispensable lesson in the education of Roman youth. It was considered essential to the public welfare that citizens should, at an early age, become acquainted with the fundamental laws of their country.

Cicero was a great orator and statesman of ancient Rome. The "Twelve Tables" were a code of Roman laws, so called from the fact that they were cut or engraved on twelve tablets or tables of bronze.

Obviously it is **for the good of our country** that our youth should have a knowledge of the principles and provisions of our fundamental laws. American boys of to-day will, in a few years, be American citizens and voters. As such it will be **their duty as well as their right** to take part in the control and direction of our State and National governments. That duty is one of the highest importance. To perform it well, a good knowledge of our system of government is indispensable. This knowledge may, in large part, be gained by frequent and careful reading of our National and State Constitutions.

It is hoped that useful helps to the proper understanding of these documents, and to the acquiring of a fair knowledge of the working of our American system of government in State and Nation, will be found in the lessons given in this book.

The Mecklenburg Declaration and the earlier Constitution of North Carolina are also deserving of careful attention. A comparison of the latter with our present State Constitution will show great changes and great development of the republican system. To observe the changes, and to consider the question whether or not they are improvements, will be an interesting as well as a useful exercise.

APPENDIX.

THE MECKLENBURG DECLARATION OF 20TH MAY, 1775.

1. *Resolved*, That whoever directly or indirectly abetted, or in any way, form, or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this county, to America, and to the inherent and unalienable rights of man.

2. *Resolved*, That we, the citizens of Mecklenburg County, do hereby dissolve the political bands which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection with that nation, who have wantonly trampled on our rights and liberties, and inhumanly shed the innocent blood of American patriots at Lexington.

3. *Resolved*, That we do hereby declare ourselves a free and independent people, and of right ought to be a sovereign and self-sustaining association, under the control of no power other than that of our God and the general government of Congress; and to the maintenance of which independence we solemnly pledge to each other our mutual coöperation, our lives, our fortunes, and our most sacred honor.

4. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this county, we do hereby ordain and adopt as a rule of life all, each, and every of our former laws, wherein, nevertheless, the Crown of Great Britain never can be considered as holding rights, privileges, immunities, or authority therein.

5. *Resolved*, That it is further decreed that all, each, and every military officer in this county is hereby reinstated in his former command and authority, he acting conformably to these regulations, and that everyone present of this delegation shall hereafter be a civil officer, viz., a justice of the peace, in the character of a "committee man," to issue

process, hear and determine all matters of controversy according to said adopted laws, and to preserve peace, union, and harmony in said county; and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

ABRAHAM ALEXANDER,

Chairman of Convention.

JOHN McKNITT ALEXANDER,

Clerk of Convention.

MECKLENBURG COMMITTEE RESOLVES OF 31ST MAY, 1775.

Whereas, By an address presented to His Majesty by both Houses of Parliament in February last, the American colonies are declared to be in a state of actual rebellion, we conceive that all laws and commissions confirmed by or derived from the authority of the King and Parliament are annulled and vacated, and the former civil constitution of these colonies for the present wholly suspended. To provide in some degree for the exigencies of this county, in the present alarming period, we deem it proper and necessary to pass the following resolves, viz.:

1. That all commissions, civil and military, heretofore granted by the Crown to be exercised in these colonies, are null and void, and the Constitution of each particular colony wholly suspended.

2. That the Provincial Congress of each province, under the direction of the great Continental Congress, is vested with all legislative and executive powers within their respective provinces, and that no other legislative or executive power does or can exist at this time in these colonies.

3. As all former laws are now suspended in this province, and the Congress has not yet provided others, we judge it necessary, for the better preservation of good order, to form certain rules and regulations for the internal government of this county, until laws shall be provided for us by the Congress.

4. That the inhabitants of this county do meet on a certain day appointed by the committee, and, having formed themselves into nine companies, to wit, eight in the county and one in the town of Charlotte, do choose a colonel and other military officers, who shall hold and exercise their several powers by virtue of this choice and independent of the Crown of Great Britain and former Constitution of this province.

5. That for the better preservation of the peace and administration of justice, each of these companies do choose from their own body two discreet freeholders who shall be empowered, each by himself and singly, to decide and determine all matters of controversy arising within said company, under the sum of twenty shillings, and jointly and together, all controversies under the sum of forty shillings; that so their decisions

may admit of appeal to the convention of the selectmen of the county, and also that any one of these men shall have power to examine and commit to confinement persons accused of petit lareeny.

6. That those two selectmen thus chosen do jointly and together choose from the body of their particular body two persons properly qualified to act as constables who may assist them in the execution of their office.

7. That upon the complaint of any persons to either of these selectmen he do issue his warrant, directed to the constable, commanding him to bring the aggressor before him or them, to answer said complaint.

8. That these eighteen selectmen thus appointed do meet every third Thursday in January, April, July, and October, at the court-house in Charlotte, to hear and determine all matters of controversy for sums exceeding forty shillings, also appeals, and in cases of felony to commit the person or persons convicted thereof to close confinement until the Provincial Congress shall provide and establish laws and modes of proceeding in all such cases.

9. That these eighteen selectmen thus convened do choose a clerk to record the transactions of said convention, and that said clerk, upon the application of any person or persons, aggrieved, do issue his warrant to one of the constables of the company to which the offender belongs, directing said constable to summon and warn said offender to appear before the convention at their next sitting to answer the aforesaid complaint.

10. That any person making complaint upon oath to the clerk or any member of the convention, that he has reason to suspect that any person or persons indebted to him in the sum above forty shillings intends clandestinely to withdraw from the county without paying such debt, the clerk or such member shall issue his warrant to the constable, commanding him to take such person into safe custody until the next sitting of the convention.

11. That when a debtor for a sum above forty shillings shall abscond and leave the county, the warrant granted as aforesaid shall extend to any goods or chattels of said debtor as may be found, and such goods and chattels be seized and held in custody by the constable for the space of thirty days, in which time, if the debtor fails to return and discharge the debt, the constable shall return the warrant to one of the selectmen of the company, when the goods are found, who shall issue orders to the constable to sell such part of said goods as shall amount to the sum due; that when the debt exceeds forty shillings the return shall be made to the convention, who shall issue orders for sale.

12. That all receivers and collectors of quit-rents, public and county taxes, do pay the same into the hands of the chairman of this committee

to be by them disbursed as the public exigencies may require, and that such receivers and collectors proceed no further in their office until they be approved of by and have given to this committee good and sufficient security for a faithful return of such moneys when collected.

13. That the committee be accountable to the county for the application of all moneys received from such public officers.

14. That all the officers hold their commissions during the pleasure of their several constituents.

15. That this committee will sustain all damage that ever hereafter may accrue to all or any of these officers thus appointed and thus acting on account of their obedience and conformity of these resolves.

16. That whatever person hereafter shall receive a commission from the Crown, or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country, and upon information being made to the captain of the company in which he resides, the said company shall cause him to be apprehended and conveyed before the two selectmen of the said company, who, upon proof of the fact, shall commit him, the said offender, to safe custody until the next sitting of the committee, who shall deal with him as prudence may admit.

17. That any person refusing to yield obedience to the above resolves shall be considered equally criminal, and liable to the same punishment as the offender above last mentioned.

18. That these resolves be in full force and virtue until instructions from the Provincial Congress regulating the jurisprudence of the province shall provide otherwise, or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America.

19. That the eight military companies in this county provide themselves with proper arms and accoutrements, and hold themselves in readiness to execute the commands and directions of the General Congress of this province and this committee.

20. That the committee appoint Colonel Thomas Polk and Dr. Joseph Kennedy to purchase three hundred pounds of powder, six hundred pounds of lead and one thousand flints for use of the militia of this county, and deposit the same in such place as the committee hereafter may direct.

Signed by order of the committee.

EPHRAIM BREVARD,

Clerk of Committee.

THE DECLARATION OF INDEPENDENCE.

ADOPTED BY CONGRESS, JULY 4, 1776.

A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these, are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments, long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his Governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the danger of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislature.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws, giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them by a mock trial, from punishment, for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the powers of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren.

We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS assembled, appealing to the Supreme Judge of the

world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, *free and independent States*; that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the state of Great Britain, is, and ought to be totally dissolved; and that, as FREE AND INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And, for the support of this declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

[The foregoing Declaration was, by order of Congress, engrossed and signed by the following members :]

JOHN HANCOCK.

NEW HAMPSHIRE.

Josiah Bartlett,
William Whipple,
Matthew Thornton.

MASSACHUSETTS BAY.

Samuel Adams,
John Adams,
Robert Treat Paine,
Elbridge Gerry.

RHODE ISLAND.

Stephen Hopkins,
William Ellery.

CONNECTICUT.

Roger Sherman,
Samuel Huntington,
William Williams,
Oliver Wolcott.

NEW YORK.

William Floyd,
Philip Livingston,
Francis Lewis,
Lewis Morris.

NEW JERSEY.

Richard Stockton,
John Witherspoon,
Francis Hopkinson,
John Hart,
Abraham Clark.

PENNSYLVANIA.

Robert Morris,
Benjamin Rush,
Benjamin Franklin,
John Morton,
George Clymer,
James Smith,
George Taylor,
James Wilson,
George Ross.

DELAWARE.

Cæsar Rodney,
George Read,
Thomas M'Kean.

MARYLAND.

Samuel Chase,
William Paca,

Thomas Stone,
Charles Carroll, of Carrollton.

VIRGINIA.

George Wythe,
Richard Henry Lee,
Thomas Jefferson,
Benjamin Harrison,
Thomas Nelson, jun.,
Francis Lightfoot Lee,
Carter Braxton.

NORTH CAROLINA.

William Hooper,
Joseph Hewes,
John Penn.

SOUTH CAROLINA.

Edward Rutledge,
Thomas Heyward, jun.,
Thomas Lynch, jun.,
Arthur Middleton.

GEORGIA.

Button Gwinnett,
Lyman Hall,
George Walton.

Copies of the foregoing Declaration were, by a resolution of Congress, sent to the several assemblies, conventions, and committees, or councils of safety, and to the several commanding officers of the continental troops; and it was also proclaimed in each of the United States, and at the head of the army.

DERIVATION AND EXPLANATION OF TERMS.

[The terms explained in the Appendix are terms that are not explained in the body of the book.]

Judges dependent. One of the charges against the King of England, set forth in the Declaration of Independence, is that he had made judges in the colonies dependent on his will for their tenure of office, and the amount and payment of their salaries. This means that at his pleasure he dismissed judges from office, or reduced or stopped their salaries. No such thing can be done under the laws of the United States, or of any of the States. In the United States a judge is either appointed for life, or elected for a term of years. In either case he cannot be dismissed except on conviction of misconduct in office. If judges might be dismissed at the pleasure of one man there would be no security that they would administer the law "without fear or favor." Being dependent on one person for the holding of their office, they might be influenced to do injustice to please that person. The independence of the judiciary is one

of the most valuable safeguards of freedom.

Standing armies. Bodies of soldiers maintained (kept *standing*) in a country at times when there is no war or need for their active service. The Constitution of the United States declares that "standing armies in time of peace are dangerous to liberty."

Suspending laws. Stopping the operation of law. Under some tyrannical governments this has often been done to deprive the people of the protection of the laws. The Constitution of North Carolina declares that "the power of suspending laws without the consent of the representatives of the people is injurious to their rights, and ought not to be exercised."

Unalienable rights. Rights that cannot be alienated or taken away; rights that belong to people naturally, as the right to life and liberty.

Alienate. (Latin *alius*, another.) To take away from, to transfer to *another*.

CONSTITUTION OF NORTH CAROLINA.

DECLARATION OF RIGHTS,

MADE, DECEMBER 17, 1776, BY THE

Representatives of the Freemen of the State of North Carolina.

SECTION 1. That all political power is vested in, and derived from the people only.

SEC. 2. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

SEC. 3. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

SEC. 4. That the Legislative, Executive, and Supreme Judicial powers of Government, ought to be forever separate and distinct from each other.

SEC. 5. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

SEC. 6. That elections of Members to serve as Representatives in General Assembly, ought to be free.

SEC. 7. That in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.

SEC. 8. That no freeman shall be put to answer any criminal charge, but by indictment, presentment, or impeachment.

SEC. 9. That no freeman shall be convicted of any crime, but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used.

SEC. 10. That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 11. That general warrants, whereby any officer or messenger may be commanded to search suspected places without evidence of the fact

committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

SEC. 12. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the law of the land.

SEC. 13. That every freeman restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

SEC. 14. That in all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

SEC. 15. That the freedom of the Press is one of the great bulwarks of liberty, and, therefore, ought never to be restrained.

SEC. 16. That the people of this State ought not to be taxed or made subject to the payment of any impost or duty without the consent of themselves or their Representatives in General Assembly, freely given.

SEC. 17. That the people have a right to bear arms for the defence of the State; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the Military should be kept under strict subordination to, and governed by, the Civil power.

SEC. 18. That the people have a right to assemble together, to consult for their common good, to instruct their Representatives, and to apply to the Legislature for redress of grievances.

SEC. 19. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.

SEC. 20. That for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

SEC. 21. That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

SEC. 22. That no hereditary emoluments, privileges, or honors, ought to be granted or conferred in this State.

SEC. 23. That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

SEC. 24. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no *ex post facto* law ought to be made.

SEC. 25. The property of the soil in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the State should be

ascertained with precision; and as the former temporary line between North and South Carolina was confirmed and extended by Commissioners appointed by the Legislatures of the two States, agreeable to the order of the late King George the Second, in Council, that line, and that only, should be esteemed the southern boundary of this State, as follows: that is to say, beginning on the sea-side, at a Cedar stake, at or near the mouth of Little River, being the southern extremity of Brunswick County, and running from thence a northwest course through the boundary house, which stands in thirty-three degrees, fifty-six minutes, to thirty-five degrees north latitude; and from thence a west course so far as is mentioned in the charter of King Charles the Second to the late proprietors of Carolina. Therefore, all the territories, seas, waters, and harbors, with their appurtenances, lying between the line above described and the southern line of the State of Virginia, which begins on the sea-shore in thirty-six degrees, thirty minutes, north latitude, and from thence runs west, agreeable to the said charter of King Charles, are the right and property of the people of this State, to be held by them in sovereignty, any partial line without the consent of the Legislature of this State, at any time thereafter directed or laid out, in any case notwithstanding. Provided always, that this declaration of rights shall not prejudice any nation or nations of Indians from enjoying such hunting grounds as may have been, or hereafter shall be, secured to them by any former or future Legislature of this State. And provided also, that it shall not be construed so as to prevent the establishment of one or more Governments westward of this State, by consent of the Legislature. And provided further, that nothing herein contained shall affect the titles or possessions of individuals, holding or claiming under the laws heretofore in force, or grants heretofore made by the late King George the Third, or his predecessors, or the late Lords Proprietors, or any of them.

December the seventeenth day, <i>Anno</i>	}	R. CASWELL, <i>President</i> .
<i>Domini</i> one thousand, seven hundred		
and seventy-six; read the third time		
and ratified in open Congress.		

JAMES GREEN, JR., *Secretary*.

CONSTITUTION OF NORTH CAROLINA.

The Constitution or Form of Government agreed to and resolved upon by the Representatives of the Freemen of the State of North Carolina, elected and chosen for that particular purpose, in Congress assembled, at Halifax, the eighteenth day of December, in the year of our Lord, one thousand seven hundred and seventy-six.

Whereas, allegiance and protection are, in their nature, reciprocal, and the one should of right be refused when the other is withdrawn. And *whereas*, George the Third, King of Great Britain, and late Sovereign of the British American Colonies, hath not only withdrawn from them his protection, but by an Act of the British Legislature, declared the inhabitants of these States out of the protection of the British Crown, and all their property found upon the high seas liable to be seized and confiscated to the uses mentioned in the said Act. And the said George the Third has also sent fleets and armies to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said Colonies to a state of abject slavery. In consequence whereof, all Government under the said King, within the said Colonies, hath ceased, and a total dissolution of Government in many of them hath taken place. And *whereas*, the Continental Congress having considered the premises, and other previous violations of the rights of the good People of America, have therefore declared that the Thirteen United Colonies are, of right, wholly absolved from all allegiance to the British Crown, or any other foreign jurisdiction whatsoever, and that the said Colonies now are, and forever shall be, free and independent States. Wherefore, in our present state, in order to prevent anarchy and confusion, it becomes necessary that a Government should be established in this State. Therefore, we, the Representatives of the Freemen of North Carolina, chosen and assembled in Congress for the express purpose of framing a Constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare that a Government for this State shall be established in manner and form following, to wit :

SECTION 1. That the Legislative authority shall be vested in two distinct branches, both dependent on the people, to wit, a Senate and House of Commons.

SEC. 2. That the Senate shall be composed of Representatives annually chosen by ballot, one from each County in this State.

SEC. 3. That the House of Commons shall be composed of Representatives annually chosen by ballot, two for each County, and one for each of the Towns of Edenton, Newbern, Wilmington, Salisbury, Hillsborough and Halifax.

SEC. 4. That the Senate and House of Commons, assembled for the purpose of Legislation, shall be denominated the General Assembly.

SEC. 5. That each member of the Senate shall have usually resided in the County in which he is chosen for one year immediately preceding his election ; and for the same time shall have possessed, and continue to possess, in the County which he represents, not less than three hundred acres of land in fee.

SEC. 6. That each member of the House of Commons shall have usually resided in the County in which he is chosen, for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the County which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

SEC. 7. That all freemen of the age of twenty-one years, who have been inhabitants of any one County within the State twelve months immediately preceding the day of any election, and possessed of a freehold, within the same County, of fifty acres of land for six months next before and at the day of election, shall be entitled to vote for a member of the Senate.

SEC. 8. That all freemen of the age of twenty-one years, who have been inhabitants of any County within this State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons for the County in which he resides.

SEC. 9. That all persons possessed of a freehold in any Town in this State, having a right of representation, and also all freemen who have been inhabitants of any such Town twelve months before and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such Town in the House of Commons. Provided always, that this section shall not entitle any inhabitant of such Town to vote for members of the House of Commons for the County in which he may reside, nor any freeholder in such County, who resides without or beyond the limits of such Town, to vote for a member for said Town.

SEC. 10. That the Senate and House of Commons, when met, shall each have power to choose a Speaker and other their officers, be judges of the qualifications and elections of their members, sit upon their own adjournment from day to day, and prepare bills to be passed into laws. The two Houses shall direct writs of elections for supplying intermediate vacancies, and shall also jointly, by ballot, adjourn themselves to any future day and place.

SEC. 11. That all bills shall be read three times in each House before they pass into laws, and be signed by the Speaker of both Houses.

SEC. 12. That every person who shall be chosen a member of the

Senate or House of Commons, or appointed to any office or place of trust, before taking his seat or entering upon the execution of his office, shall take an oath to the State ; and all officers shall also take an oath of office.

SEC. 13. That the General Assembly shall, by joint ballot of both Houses, appoint Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and Attorney General, who shall be commissioned by the Governor, and hold their offices during good behavior.

SEC. 14. That the Senate and House of Commons shall have power to appoint the Generals and Field Officers of the Militia, and all Officers of the Regular Army of this State.

SEC. 15. That the Senate and House of Commons jointly, at their first meeting after each annual election, shall, by ballot, elect a Governor for one year, who shall not be eligible to that office longer than three years in six successive years ; that no person under thirty years of age, and who has not been a resident in this State above five years, and having in the State a freehold in lands and tenements above the value of one thousand pounds, shall be eligible as Governor.

SEC. 16. That the Senate and House of Commons jointly, at their first meeting after each annual election, shall, by ballot, elect seven persons to be a Council of State for one year, who shall advise the Governor in the execution of his office, and that four members shall be a quorum ; their advice and proceedings shall be entered in a Journal to be kept for that purpose only, and signed by the members present, to any part of which any member present may enter his dissent ; and such Journal shall be laid before the General Assembly when called for by them.

SEC. 17. That there shall be a Seal of this State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called the Great Seal of the State of North Carolina, and be affixed to all Grants and Commissions.

SEC. 18. That the Governor for the time being shall be Captain General and Commander-in-Chief of the Militia ; and in the recess of the General Assembly, shall have power, by and with the advice of the Council of State, to embody the militia for the public safety.

SEC. 19. That the Governor for the time being shall have power to draw for and supply such sums of money as shall be voted by the General Assembly for the contingencies of Government, and be accountable to them for the same ; he also may, by and with the advice of the Council of State, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days at any one time, in the recess of the General Assembly, and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the General

Assembly, or the law shall otherwise direct ; in which case he may, in the recess, grant a reprieve until the next sitting of the General Assembly, and may exercise all the other Executive powers of Government, limited and restrained, as by this Constitution is mentioned, and according to the laws of the State ; and on his death, inability, or absence from the State, the Speaker of the Senate for the time being, and in case of his death, inability, or absence from the State, the Speaker of the House of Commons shall exercise the powers of the Governor, after such death, or during such absence or inability of the Governor or Speaker of the Senate, or until a new nomination is made by the General Assembly.

SEC. 20. That in every case where any officer, the right of whose appointment is by this Constitution vested in the General Assembly, shall, during their recess, die, or his office by other means become vacant, the Governor shall have power, with the advice of the Council of State, to fill up such vacancy by granting a temporary commission, which shall expire at the end of the next session of the General Assembly.

SEC. 21. That the Governor, Judges of the Supreme Courts of Law and Equity, Judges of Admiralty and Attorney General, shall have adequate salaries during their continuance in office.

SEC. 22. That the General Assembly shall, by joint ballot of both Houses, annually appoint a Treasurer or Treasurers for this State.

SEC. 23. That the Governor and other officers offending against the State by violating any part of this Constitution, mal-administration or corruption, may be prosecuted on the impeachment of the General Assembly, [or] presentment of the Grand Jury of any Court of Supreme jurisdiction in this State.

SEC. 24. That the General Assembly shall, by joint ballot of both Houses, triennially appoint a Secretary for this State.

SEC. 25. That no persons who heretofore have been, or hereafter may be, receivers of the public moneys, shall have a seat in either House of General Assembly, or be eligible to any office in this State, until such person shall have fully accounted for and paid into the Treasury all sums for which they may be accountable and liable.

SEC. 26. That no Treasurer shall have a seat in either the Senate, House of Commons, or Council of State during his continuance in that office, or before he shall have finally settled his accounts with the public, for all moneys which may be in his hands at the expiration of his office, belonging to the State, and hath paid the same into the hands of the succeeding Treasurer.

SEC. 27. That no Officer in the Regular Army or Navy in the service and pay of the United States, of this or any other State, or any contractor or agent for supplying such Army or Navy with clothing or provisions,

shall have a seat in either the Senate, House of Commons, or Council of State, or be eligible thereto ; and any member of the Senate, House of Commons, or Council of State, being appointed to and accepting of such office, shall thereby vacate his seat.

SEC. 28. That no member of the Council of State shall have a seat either in the Senate or House of Commons.

SEC. 29. That no Judge of the Supreme Court of Law or Equity, or Judge of Admiralty, shall have a seat in the Senate, House of Commons, or Council of State.

SEC. 30. That no Secretary of this State, Attorney General or Clerk of any Court of Record, shall have a seat in the Senate, House of Commons, or Council of State.

SEC. 31. That no Clergyman, or Preacher of the Gospel, of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of the Pastoral function.

SEC. 32. That no person who shall deny the being of God, or the truth of the Protestant Religion, or the divine authority either of the Old or New Testament, or who shall hold Religious principles incompatible with the freedom and the safety of the State, shall be capable of holding any office or place of trust or profit in the Civil department within this State.

SEC. 33. That the Justices of the Peace, within the respective Counties in this State, shall in future be recommended to the Governor for the time being by the Representatives in General Assembly, and the Governor shall commission them accordingly ; and the Justices, when so commissioned, shall hold their offices during good behavior, and shall not be removed from office by the General Assembly unless for misbehavior, absence, or inability.

SEC. 34. That there shall be no establishment of any one Religious Church or denomination in this State in preference to any other ; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment, nor be obliged to pay for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform ; but all persons shall be at liberty to exercise their own mode of worship. Provided, that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses from legal trial and punishment.

SEC. 35. That no person in the State shall hold more than one lucrative office at any one time. Provided, that no appointment in the

Militia or to the office of a Justice of the Peace shall be considered as a lucrative office.

SEC. 36. That all Commissions and Grants shall run in the name of the State of North Carolina and bear test and be signed by the Governor. All writs shall run in the same manner, and bear test and be signed by the Clerks of the respective Courts. Indictments shall conclude against the peace and dignity of the State.

SEC. 37. That the Delegates for this State to the Continental Congress, while necessary, shall be chosen annually by the General Assembly, by ballot, but may be superseded, in the meantime, in the same manner ; and no person shall be elected to serve in that capacity for more than three years successively.

SEC. 38. That there shall be a Sheriff, Coroner or Coroners, and Constables, in each County within this State.

SEC. 39. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up, *bona fide*, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.

SEC. 40. That every foreigner who comes to settle in this State, having first taken an oath of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer land or other real estate ; and, after one year's residence, shall be deemed a free citizen.

SEC. 41. That a school or schools shall be established by the Legislature for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices ; and all useful learning shall be duly encouraged and promoted in one or more Universities.

SEC. 42. That no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the General Assembly.

SEC. 43. That the future Legislature of this State shall regulate entails in such a manner as to prevent perpetuities.

SEC. 44. That the declaration of rights is hereby declared to be part of the Constitution of this State, and ought never to be violated on any pretence whatever.

SEC. 45. That any member of either House of the General Assembly shall have liberty to dissent from and protest against any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the Journals.

SEC. 46. That neither House of the General Assembly shall proceed

upon public business unless a majority of all the members of such House are actually present ; and that upon a motion made and seconded, the Yeas and Nays upon any question shall be taken and entered on the Journals ; and that the Journals of the Proceedings of both Houses of the General Assembly shall be printed and made public, immediately after their adjournment.

This Constitution is not intended to preclude the present Congress from making a temporary provision for the well ordering of this State, until the General Assembly shall establish Government agreeable to the mode hereinbefore prescribed.

December the eighteenth, one thousand	} R. CASWELL, <i>President</i> .
seven hundred and seventy-six; read	
the third time and ratified in open	
Congress.	

JAMES GREEN, JR., *Secretary*.

Note.—Though North Carolina was originally settled by people from different countries, the English language was in general use in the colony, as in the twelve other colonies. English was the language in which public business was transacted. The colony was controlled by the British parliament. All the laws and forms of government were modelled after those of England.

The English people had for centuries contended for personal liberty, and for protection of their property against the arbitrary power of their kings. Little by little the kings were obliged to yield to the people's demands for freedom and justice. In the earlier periods of English history, before the system of representative government had begun to take form, the people compelled the kings to grant charters in which valuable public rights were recognized and established.

The most notable of these charters is famous in history as **Magna Charta** or the Great Charter. This was extorted from King John on the 15th of June, 1215, at Runnymede on the Thames, near Windsor. It is the foundation of English freedom. Before the time of the Charter, the property, liberty, and lives of the people were at the mercy of the king. The king might, and often did, put people into prison, deprive them of their property, or put them to death, without any form of trial. The Great Charter provided that there should be protection of law. In one of its clauses King John was compelled to make promise in these words:

“No freeman shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way brought to ruin; we [the King] will not go against any man, nor send against him, save by legal judgment of his peers, or

by the law of the land. . . . To no man will we sell, or deny, or delay right or justice."

The great principle of trial by jury is here established. From the time of the Charter no Englishman could be deprived of life or property without process of law.

The early settlers in North Carolina brought with them from the mother countries the principles of liberty which had been spreading in Europe. Having planted themselves in a wilderness where they lived at wide distances apart, and far from the home governments, the desire for still further liberty was natural, and the assertion of it by armed force was easier, because the ocean intervened between them and England.

The people of North Carolina were, therefore, in a spirit to resist the tyranny of the British king, and were prepared to declare their independence, and to form such a Constitution as was adopted at Halifax in 1776.

DERIVATION AND EXPLANATION OF TERMS.

Bear test. (Latin *testis*, a witness.) To bear test is to bear witness, to give evidence.

Confiscate. (Latin *Con*, together, and *fiscus*, a money bag, the public treasury.) To seize private property and appropriate it to public use ; to put it into the public treasury.

Contested election. An election as to result of which there is a dispute or *contest*. After an election a defeated candidate may have reason to believe that the election was not legally conducted. He may be able to prove that the votes were not correctly counted or that persons duly qualified were not permitted to vote. In such case the candidate may *contest* the election ; that is, he may demand an investigation of the facts.

Disseize of freehold. (*Disseize*, Latin *dis*, away from, and Eng-

lish *seize*.) To take away from a person, or deprive him of, his freehold property.

Embargo. (Spanish *embargar*, to arrest.) An order by government prohibiting the sailing of ships from ports within its dominion. Such order may be necessary in war times.

Entail. (French *entailler*, to cut off.) An estate in land is entailed when the right of ownership descends from father to eldest son or lawful heir. The owner of an entailed estate cannot sell it or divide it among his children. It is cut off from all except a particular heir or heirs.

Lords proprietors in Colonial times in North Carolina were British lords and others to whom the king made grants of land in the colony.

Perpetuity. An estate which continues for ever, or for a very long

time, in possession of the same family, is called a perpetuity. (See *entail* above.)

Premises. (Latin *pre*, before, and *missus*, sent.) Statements or propositions going before or made previously.

Retrospective laws. (*Retrospec-*

tive, Latin *retro*, backward, and *specere*, to look.) Laws which punish persons for something done before the laws were made, and which was not then criminal. Retrospective laws are prohibited by the Constitution of North Carolina.

ARTICLES OF CONFEDERATION.

Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE I.—The style of this confederacy shall be, “The United States of America.”

ART. II.—Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

ART. III.—The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. IV.—The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States ; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively ; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant ; provided, also, that no imposition, duties, or restriction, shall be laid by any State on the property of the United States or either of them.

If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given, in each of these States, to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. V.—For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members ; and no person shall be capable of being a delegate for more than three years, in any term of six years ; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Each State shall maintain its own delegates in any meeting of the States and while they act as members of the committee of the States.

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress ; and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ART. VI.—No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state ; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state ; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No States shall lay any impost or duties which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace, by any State, except such number only as shall be deemed necessary, by the United

States in Congress assembled, for the defence of such State or its trade ; nor shall any body of forces be kept up, by any State, in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State ; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted ; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ART. VII.—When land forces are raised by any State for the common defence, all officers of, or under the rank of colonel shall be appointed by the legislature of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. VIII.—All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

ART. IX.—The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war,

except in the cases mentioned in the sixth Article ; of sending and receiving ambassadors ; entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever ; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated ; of granting letters of marque and reprisal in times of peace ; appointing courts for the trial of piracies and felonies committed on the high seas ; and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal, in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever ; which authority shall always be exercised in the manner following : Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other States in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question ; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen ; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot ; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination ; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or, being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing ; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive ; and if any of the

parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive ; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned ; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, “well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward.” Provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands and the States which passed such grants, are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States ; regulating the trade and managing all affairs with the Indians not members of any of the States; provided, that the legislative right of any State, within its own limits, be not infringed or violated ; establishing and regulating post-offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office ; appointing all officers of the land forces in the service of the United States, excepting regimental officers ; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States ; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee to sit in the recess of Congress, to be denominated “A Committee of the States,” and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under

their direction ; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years ; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses ; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted ; to build and equip a navy ; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding ; and thereupon the legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner at the expense of the United States ; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled ; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that

no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment require secrecy ; and the yeas and nays of the delegates of each State, on any question, shall be entered on the Journal, when it is desired by any delegate ; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several States.

ART. X.—The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with ; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine States, in the Congress of the United States assembled, is requisite.

ART. XI.—Canada acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union ; but no other colony shall be admitted into the same unless such admission be agreed to by nine States.

ART. XII.—All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. XIII.—Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual ; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

And whereas, it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectfully represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union, know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters

and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which, by the said Confederation, are submitted to them ; and that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual. In witness whereof, we have hereunto set our hands in Congress. Done at Philadelphia, in the State of Pennsylvania, the ninth day of July, in the year of our Lord 1778, and in the third year of the Independence of America.

On the part and in behalf of the State of New Hampshire :

Josiah Bartlett,

John Wentworth, jun., August
8, 1778.

On the part and in behalf of the State of Massachusetts Bay :

John Hancock,

Francis Dana,

Samuel Adams,

James Lovell,

Elbridge Gerry,

Samuel Holton.

On the part and in behalf of the State of Rhode Island and Providence
Plantations :

William Ellery,
Henry Marchant,

John Collins.

On the part and in behalf of the State of Connecticut :

Roger Sherman,
Samuel Huntington,
Oliver Wolcott,

Titus Hosmer,
Andrew Adams,

On the part and in behalf of the State of New York :

Jas Duane,
Fras Lewis,

William Duer,
Gouv^r Morris.

On the part and in behalf of the State of New Jersey :

Jn^o Witherspoon,

Nath^l Scudder, November 26,
1778.

On the part and in behalf of the State of Pennsylvania :

Rob^t Morris,
Daniel Roberdeau,
Jon^a Bayard Smith,

William Clingan,
Joseph Reed, July 22, 1778.

On the part and in behalf of the State of Delaware :

Tho. M'Kean, February 13, 1779, Nicholas Van Dyke.
John Dickinson, May 5, 1779,

On the part and in behalf of the State of Maryland :

John Hanson, March 1, 1781, Daniel Carroll, March 1, 1781.

On the part and in behalf of the State of Virginia :

Richard Henry Lee, Jn^o Harvie,
John Banister, Francis Lightfoot Lee.
Thomas Adams,

On the part and in behalf of the State of North Carolina :

John Penn, July 21, 1778, Jn^o Williams.
Cornelius Hartnett,

On the part and in behalf of the State of South Carolina :

Henry Laurens, Richd Hutson,
William Henry Drayton, Thos. Haywood, jun.
Jn^o Matthews,

On the part and in behalf of the State of Georgia :

Jn^o Walton, July 24, 1778, Edw^d Langworthy.
Edw^d Telfair,

The Articles of Confederation were adopted by the Continental Congress on the 17th of November, 1777, and were recommended to the consideration of the several States. The Articles were submitted to the several States, and the delegates from the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, and South Carolina ratified the Articles on the 9th of July, 1778. The delegates from the remaining States did not sign them on that date, but in the following order :

North Carolina, July 21, 1778 ;
Georgia, July 24, 1778 ;
New Jersey, November 26, 1778 ;
Delaware, May 5, 1779 ; and
Maryland, March 1, 1781.

Three and a half years elapsed after the adoption of the Articles by Congress before their ratification by all of the States. Congress met for the first time under the Confederation on March 2, 1781.

DERIVATION AND EXPLANATION OF TERMS.

All and singular is a phrase sometimes used in law documents. It means all and each, or all or every person or thing.

Set our hands. Documents requiring the signatures of several persons sometimes conclude with the form, "in witness whereof we have hereunto set our hands"; that is, written their names. In former times it was the custom

after signing an important document to impress a seal upon it and touch the seal with the finger or *hand*.

Yeas and nays. Yea is *yes* and nay is *no*. In some assemblies voting is done by *yea* and *nay*. Members who vote for a proposal say *yea*, and members who vote against say *nay*.

CONSTITUTION OF THE STATE OF NORTH CAROLINA.

[The first Constitution of North Carolina, known as the "Halifax Constitution" (see page xvi), was adopted December 18, 1776. It was first amended in 1835, and was again amended in 1854 by legislative enactment, and in 1861 and in 1865-66 by conventions. A constitution was adopted in 1868, which made many changes in the constitution as it then existed. This was amended by a convention in 1875, and the amended constitution was adopted by a vote of the people in 1876, just one hundred years after the adoption of the first constitution. Usually the amended constitutions were framed by conventions and ratified by a vote of the people. Amendments in various sections have also been proposed by a vote of the legislature from time to time, and adopted by the people. The Constitution presented here is the one now in force.]

PREAMBLE.

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of nations, for the preservation of the American Union, and the existence of our civil, political, and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States, and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare :

THE EQUALITY AND RIGHTS OF MEN.

SECTION 1. That we hold it to be self-evident that all men are created equal ; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

POLITICAL POWER AND GOVERNMENT.

SEC. 2. That all political power is vested in, and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

INTERNAL GOVERNMENT OF THE STATE.

SEC. 3. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of law, and consistent with the Constitution of the United States.

NO RIGHT TO SECEDE.

SEC. 4. That this State shall ever remain a member of the American Union; that the people thereof are part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said Nation, ought to be resisted with the whole power of the State.

ALLEGIANCE TO THE UNITED STATES GOVERNMENT.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof, can have any binding force.

CERTAIN DEBTS AND BONDS DECLARED INVALID.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond, incurred or issued by the legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a

majority of all the qualified voters of the State, at a regular election held for that purpose.

EXCLUSIVE EMOLUMENTS, ETC.

SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL POWERS DISTINCT.

SEC. 8. The legislative, executive, and supreme judicial powers of the government ought to be forever separate and distinct from each other.

THE POWER OF SUSPENDING LAWS.

SEC. 9. All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

ELECTIONS FREE.

SEC. 10. All elections ought to be free.

CRIMINAL PROSECUTIONS.

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself or to pay costs, jail fees, or necessary witness fees of the defence, unless found guilty.

ANSWERS TO CRIMINAL CHARGES.

SEC. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment, or impeachment.

RIGHT OF JURY.

SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal.

EXCESSIVE BAIL.

SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

GENERAL WARRANTS.

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

IMPRISONMENT FOR DEBT.

SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud.

NO PERSON TO BE TAKEN, ETC., BUT BY LAW OF THE LAND.

SEC. 17. No person ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land.

PERSONS RESTRAINED OF LIBERTY.

SEC. 18. Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

CONTROVERSIES AT LAW RESPECTING PROPERTY.

SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

FREEDOM OF THE PRESS.

SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and, therefore, ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

HABEAS CORPUS.

SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended.

PROPERTY QUALIFICATIONS.

SEC. 22. As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.

REPRESENTATION AND TAXATION.

SEC. 23. The people of the State ought not to be taxed, or made subject to the payment of any impost or duty without the consent of themselves, or their representatives in General Assembly, freely given.

MILITIA AND THE RIGHT TO BEAR ARMS.

SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the legislature from enacting penal statutes against said practice.

RIGHT OF THE PEOPLE TO ASSEMBLE TOGETHER.

SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

RELIGIOUS LIBERTY.

SEC. 26. All men have a natural and unalienated right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

EDUCATION.

SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

ELECTIONS SHOULD BE FREQUENT.

SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.

RECURRENCE TO FUNDAMENTAL PRINCIPLES.

SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

HEREDITARY EMOLUMENTS, ETC.

SEC. 30. No hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

PERPETUITIES, ETC.

SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

EX POST FACTO LAWS.

SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

SLAVERY PROHIBITED.

SEC. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within the State.

STATE BOUNDARIES.

SEC. 34. The limits and boundaries of the State shall be and remain as they now are.

COURTS SHALL BE OPEN.

SEC. 35. All courts shall be open ; and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

SOLDIERS IN TIME OF PEACE.

SEC. 36. No soldier shall in time of peace be quartered in any house without the consent of the owner ; nor in time of war but in a manner prescribed by law.

OTHER RIGHTS OF THE PEOPLE.

SEC. 37. This enumeration of rights shall not be construed to impair or deny others retained by the people ; and all powers not herein delegated remain with the people.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

TWO BRANCHES.

SECTION 1. The legislative authority shall be vested in two distinct branches, both dependent on the people, to wit, a Senate and House of Representatives.

TIME OF ASSEMBLING.

SEC. 2. The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election ; and when assembled shall be denominated the General Assembly. Neither House shall proceed upon public business unless a majority of all the members are actually present.

NUMBER OF SENATORS.

SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot.

REGULATIONS IN RELATION TO DISTRICTING THE STATE FOR SENATORS.

SEC. 4. The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory ; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators.

REGULATIONS IN RELATION TO APPORTIONMENT OF REPRESENTATIVES.

SEC. 5. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be

elected by the counties respectively, according to their population, and each county shall have at least one representative in the House of Representatives, although it may not contain the requisite ratio of representation ; this apportionment shall be made by the General Assembly at the respective times and periods when the Districts of the Senate are hereinbefore directed to be laid off.

RATIO OF REPRESENTATION.

SEC. 6. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties ; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio, there shall be assigned one Representative ; to each county containing twice but not three times the said ratio, there shall be assigned two representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

QUALIFICATIONS FOR SENATORS.

SEC. 7. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the District for which he is chosen, one year immediately preceding his election.

QUALIFICATIONS FOR REPRESENTATIVES.

SEC. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

ELECTION OF OFFICERS.

SEC. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*.

POWERS IN RELATION TO DIVORCE AND ALIMONY.

SEC. 10. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

PRIVATE LAWS IN RELATION TO NAMES OF PERSONS, ETC.

SEC. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any

person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

THIRTY DAYS' NOTICE FOR THE PASSAGE OF PRIVATE LAWS.

SEC. 12. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days' notice of application to pass such a law shall have been given, under such direction, and in such manner as shall be provided by law.

VACANCIES.

SEC. 13. If vacancies shall occur in the General Assembly by death, resignation, or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

REVENUE.

SEC. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third reading of the bill shall have been entered on the Journal.

ENTAILS.

SEC. 15. The General Assembly shall regulate entails in such manner as to prevent perpetuities.

JOURNALS.

SEC. 16. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

PROTEST.

SEC. 17. Any member of either House may dissent from, and protest against, any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the Journal.

OFFICERS OF THE HOUSE.

SEC. 18. The House of Representatives shall choose their own speaker and other officers.

PRESIDENT OF THE SENATE.

SEC. 19. The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.

OTHER SENATORIAL OFFICERS.

SEC. 20. The Senate shall choose its other officers and also a speaker (*pro tempore*) in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

STYLE OF THE ACTS.

SEC. 21. The style of the acts shall be : "The General Assembly of North Carolina do enact."

POWERS OF THE GENERAL ASSEMBLY.

SEC. 22. Each House shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day, or other place.

BILLS AND RESOLUTIONS TO BE READ THREE TIMES.

SEC. 23. All bills and resolutions of a legislative nature shall be read three times in each House, before they pass into laws; and shall be signed by the presiding officers of both Houses.

OATH OF MEMBERS.

SEC. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

TERMS OF OFFICE.

SEC. 25. The terms of office for Senators and Members of the House of Representatives shall commence at the time of their election.

YEAS AND NAYS.

SEC. 26. Upon motion made and seconded in either House, by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

ELECTION FOR MEMBERS OF THE GENERAL ASSEMBLY.

SEC. 27. The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August,* in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections.

PAY OF MEMBERS AND OFFICERS OF THE GENERAL ASSEMBLY.

SEC. 28. The members of the General Assembly for the term for which they have been elected, shall receive as a compensation for their services

* Elections are now held on Tuesday after the first Monday in November.

the sum of *four dollars* per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses shall be six dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days.

ARTICLE III.

EXECUTIVE DEPARTMENT.

OFFICERS OF THE EXECUTIVE DEPARTMENT—TERMS OF OFFICE.

SECTION 1. The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State, a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney-General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified. *Provided*, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

QUALIFICATIONS OF GOVERNOR AND LIEUTENANT-GOVERNOR.

SEC. 2. No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

RETURNS OF ELECTIONS.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of Government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The persons having the highest number of votes respectively shall be declared

duly elected ; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly, in such manner as shall be prescribed by law.

OATH OF OFFICE FOR GOVERNOR.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor to which he has been elected.

DUTIES OF GOVERNOR.

SEC. 5. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

REPRIEVES, COMMUTATIONS, AND PARDONS.

SEC. 6. The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offences (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor.

ANNUAL REPORTS REQUIRED.

SEC. 7. The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly ; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective officers, and shall take care that the laws be faithfully executed.

COMMANDER-IN-CHIEF.

SEC. 8. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

EXTRA SESSIONS OF GENERAL ASSEMBLY.

SEC. 9. The Governor shall have power on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

OFFICERS WHOSE APPOINTMENTS ARE NOT OTHERWISE PROVIDED FOR.

SEC. 10. The Governor shall nominate, and by and with the advice and consent of a majority of the Senators elect, and appoint all officers, whose offices are established by this Constitution, and whose appointments are not otherwise provided for.

DUTIES OF THE LIEUTENANT-GOVERNOR.

SEC. 11. The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

VACANCY IN OFFICE OF GOVERNOR OR LIEUTENANT-GOVERNOR.

SEC. 12. In case of the Impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in anywise become vacant, the powers, duties, and emoluments of the office shall devolve upon the Lieutenant-Governor until the disabilities shall cease, or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties, and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

DUTIES OF OTHER EXECUTIVE OFFICERS.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney-General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his suc-

cessor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

COUNCIL OF STATE.

SEC. 14. The Secretary of State, Auditor, Treasurer, and Superintendent of Public Instruction shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a Journal to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such Journal shall be placed before the General Assembly when called for by either House. The Attorney-General shall be, *ex officio*, the legal adviser of the Executive Department.

COMPENSATION OF EXECUTIVE OFFICERS.

SEC. 15. The officers mentioned in this article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased or diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

SEAL OF STATE.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called "the Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "the Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

DEPARTMENT OF AGRICULTURE, IMMIGRATION, AND STATISTICS.

SEC. 17. The General Assembly shall establish a Department of Agriculture, Immigration, and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

ARTICLE IV.

JUDICIAL DEPARTMENT.

NO DISTINCTION BETWEEN ACTIONS AT LAW AND SUITS IN EQUITY.

SECTION 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs, which shall be

denominated a civil action ; and every action prosecuted by the people of the State as a party against a person charged with a public offence for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of court before a jury.

DIVISION OF JUDICIAL POWERS.

SEC. 2. The judicial power of the State shall be vested in a Court for the trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other Courts inferior to the Supreme Court as may be established by law.

TRIAL COURT OF IMPEACHMENT.

SEC. 3. The Court for the trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in, this State ; but the party shall be liable to indictment and punishment according to law.

IMPEACHMENT.

SEC. 4. The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached the Chief Justice shall preside.

TREASON AGAINST THE STATE.

SEC. 5. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

SUPREME COURT JUSTICES.

SEC. 6. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

TERMS OF THE SUPREME COURT.

SEC. 7. The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

JURISDICTION OF SUPREME COURT.

SEC. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said Court over "issues of fact," and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the Court shall have the power to issue any remedial writs necessary to

give it a general supervision and control over the proceedings of the inferior courts.

CLAIMS AGAINST THE STATE.

SEC. 9. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory ; no process in the nature of execution shall issue thereon ; they shall be reported to the next session of the General Assembly for its action.

JUDICIAL DISTRICTS FOR SUPERIOR COURTS.

SEC. 10. The State shall be divided into nine judicial districts, for each of which a Judge shall be chosen ; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.*

RESIDENCES OF JUDGES AND ROTATION IN JUDICIAL DISTRICTS.

SEC. 11. Every Judge of the Superior Court shall reside in the district for which he is elected. The Judges shall preside in the Courts of the different districts successively, but no Judge shall hold the Courts in the same district oftener than once in four years ; but in case of the protracted illness of the Judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any judge to hold one or more specified terms in said district, in lieu of the Judge assigned to hold the courts of the said district.

JURISDICTION OF COURTS INFERIOR TO SUPREME COURT.

SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coördinate department of the government ; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court, among the other courts prescribed in this Constitution, or which may be established by law, in such manner as it may deem best ; provide also a proper system of appeals ; and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

IN CASE OF WAIVER OF TRIAL BY JURY.

SEC. 13. In all issues of fact, joined in any Court, the parties may waive the right to have the same determined by a jury ; in which case the finding of the Judge upon the facts shall have the force and effect of a verdict by a jury.

* The number of districts has been increased to twelve.

SPECIAL COURTS IN CITIES.

SEC. 14. The General Assembly shall provide for the establishment of Special Courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

CLERK OF SUPREME COURT.

SEC. 15. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

ELECTION OF SUPERIOR COURT CLERK.

SEC. 16. A Clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

TERM OF OFFICE.

SEC. 17. Clerks of the Superior Courts shall hold their offices for four years.

FEES, SALARIES, AND EMOLUMENTS.

SEC. 18. The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article, but the salaries of the Judges shall not be diminished during their continuance in office.

WHAT LAWS ARE AND SHALL BE IN FORCE.

SEC. 19. The laws of North Carolina, not repugnant to this Constitution, or the Constitution and laws of the United States, shall be in force until lawfully altered.

LITIGATION PENDING WHEN THIS CONSTITUTION TAKES EFFECT.

SEC. 20. Actions at law and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the Courts having jurisdiction thereof, without prejudice by reason of the change ; and all such actions and suits commenced before, and pending at the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

ELECTION OF JUSTICES OF SUPREME COURT.

SEC. 21. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the Judges of the Superior Courts, chosen at succeeding elections, instead of

being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

TRANSACTION OF BUSINESS IN THE SUPERIOR COURTS.

SEC. 22. The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

SOLICITORS FOR EACH JUDICIAL DISTRICT.

SEC. 23. A Solicitor shall be elected for each Judicial District by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

SHERIFFS AND CORONERS.

SEC. 24. In each county a Sheriff and Coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a Constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no Coroner in a county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the Commissioners of the county may appoint to such office for the unexpired term.

VACANCIES.

SEC. 25. All vacancies occurring in the offices provided for by this Article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held, and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

TERMS OF OFFICE OF FIRST OFFICERS UNDER THIS ARTICLE.

SEC. 26. The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

JURISDICTION OF JUSTICES OF THE PEACE.

SEC. 27. The several Justices of the Peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions

founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to Justices of the Peace jurisdiction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact may be joined before a Justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action, may appeal to the Superior Court from the same. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.

VACANCIES IN OFFICE OF JUSTICE.

SEC. 28. When the office of Justice of the Peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any District to elect, the Clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

VACANCIES IN OFFICE OF SUPERIOR COURT CLERK.

SEC. 29. In case the office of Clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

OFFICERS OF OTHER COURTS INFERIOR TO SUPREME COURT.

SEC. 30. In case the General Assembly shall establish other Courts inferior to the Superior Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may, from time to time, prescribe, and they shall hold their offices for a term not exceeding eight years.

REMOVAL OF JUDGES OF THE VARIOUS COURTS FOR INABILITY.

SEC. 31. Any Judge of the Supreme Court, or of the Superior Courts, and the presiding officers of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both houses of the General Assembly. The Judge or presiding officer, against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his

removal, at least twenty days before the day on which either house of the General Assembly shall act thereon.

REMOVAL OF CLERKS OF THE VARIOUS COURTS FOR INABILITY.

SEC. 32. Any Clerk of the Supreme Court, or of the Superior Courts, or of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the Clerk of the Supreme Court by the Judges of said Courts, the Clerks of the Superior Courts by the Judge riding the district, and the Clerks of such Courts inferior to the Supreme Court as may be established by law, by the presiding officers of said Courts. The Clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the Clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court as provided in other cases of appeals.

AMENDMENTS NOT TO VACATE EXISTING OFFICES.

SEC. 33. The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held, by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

ARTICLE V.

REVENUE AND TAXATION.

CAPITATION TAX—EXEMPTIONS.

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant in the State over twenty-one and under fifty years of age, which shall be equal on each to the tax on property valued at three hundred dollars in cash. The commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined shall never exceed two dollars on the head.

APPLICATION OF PROCEEDS OF STATE AND COUNTY CAPITATION TAX.

SEC. 2. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent. thereof be appropriated to the latter purpose.

TAXATION SHALL BE BY UNIFORM RULE AND AD VALOREM.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise; and also all real and personal property, according to its true

value in money. The General Assembly may also tax trades, professions, franchises, and incomes, provided that no income shall be taxed when the property from which the income is derived is taxed.

RESTRICTIONS UPON THE INCREASE OF THE PUBLIC DEBT.

SEC. 4. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

PROPERTY EXEMPTIONS FROM TAXATION.

SEC. 5. Property belonging to the State or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries, and property held for educational, scientific, literary, charitable, or religious purposes; also, wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, or any other personal property, to the value not exceeding three hundred dollars.

TAXES LEVIED BY COUNTY COMMISSIONERS.

SEC. 6. The taxes levied by the Commissioners of the several counties for county purposes, shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

ACTS LEVYING TAXES SHALL STATE OBJECT, ETC.

SEC. 7. Every act of the General Assembly levying a tax, shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

QUALIFICATIONS OF AN ELECTOR.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed an elector. But no person, who, upon conviction or

confession in open Court, shall be adjudged guilty of felony, or any other crime infamous by the laws of this State, and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

REGISTRATION OF ELECTORS.

SEC. 2. It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors; and no person shall be allowed to vote without registration, or to register, without first taking an oath or affirmation to support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith.

ELECTIONS BY PEOPLE AND GENERAL ASSEMBLY.

SEC. 3. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

OATH OF OFFICE.

SEC. 4. Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I, —— do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I faithfully discharge the duties of my office. So help me God."

DISQUALIFICATION FOR OFFICE.

SEC. 5. The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or mal-practice in office, unless such person shall have been legally restored to the rights of citizenship.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

COUNTY OFFICERS.

SECTION 1. In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: a Treasurer, Register of Deeds, Surveyor, and five Commissioners.

DUTY OF COUNTY COMMISSIONERS.

SEC. 2. It shall be the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes and finances of the county, as may be

prescribed by law. The Register of Deeds shall be, *ex officio*, Clerk of the Board of Commissioners.

COUNTIES TO BE DIVIDED INTO DISTRICTS.

SEC. 3. It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

SAID DISTRICTS SHALL HAVE CORPORATE POWERS AS TOWNSHIPS.

SEC. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said Districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

OFFICERS OF TOWNSHIPS.

SEC. 5. In each township there shall be biennially elected by the qualified voters thereof, a Clerk and two Justices of the Peace, who shall constitute a Board of Trustees, and shall, under the supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of the Justices of the Peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a School Committee, consisting of three persons, whose duty shall be prescribed by law.

TRUSTEES SHALL ASSESS PROPERTY.

SEC. 6. The township Board of Trustees shall assess the taxable property of their townships and make return to the County Commissioners for revision, as may be prescribed by law. The Clerk shall be, *ex officio*, Treasurer of the township.

NO DEBT OR LOAN EXCEPT BY A MAJORITY OF VOTERS.

SEC. 7. No county, city, town, or other municipal corporation shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied, or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

DRAWING OF MONEY.

SEC. 8. No money shall be drawn from any county or township treasury, except by authority of law.

TAXES TO BE AD VALOREM.

SEC. 9. All taxes levied by any county, city, town, or township, shall be uniform and *ad valorem*, upon all property in the same, except property exempted by this Constitution.

WHEN OFFICERS ENTER ON DUTY.

SEC. 10. The county officers first elected under the provisions of this Article, shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

GOVERNOR TO APPOINT JUSTICES.

SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county, who shall hold their places until sections four, five, and six of this Article shall have been carried into effect.

CHARTERS TO REMAIN IN FORCE UNTIL LEGALLY CHANGED.

SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

DEBTS IN AID OF THE REBELLION NOT TO BE PAID.

SEC. 13. No county, city, town, or other municipal corporation, shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

POWERS OF GENERAL ASSEMBLY OVER MUNICIPAL CORPORATIONS.

SEC. 14. The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this Article, and substitute others in their place, except sections seven, nine and thirteen.

[Under the provisions of this section, the following Act was passed, which was amended—see note, p. 117, and Chapter 135 Laws of 1895:]

AN ACT TO ESTABLISH COUNTY GOVERNMENTS.

EVERY COUNTY IS A BODY POLITIC.

SECTION 1. *The General Assembly of North Carolina do enact*, Every county is a body politic and corporate, and shall have the powers prescribed by statute, and those necessarily implied by law, and no other.

ELECTION.

SEC. 2. In each county there shall be elected biennially, by the qualified voters thereof, as provided for the election of members of the General Assembly, a treasurer, register of deeds, and surveyor. *Provided, however*, that a majority of the justices may abolish the office of treasurer, and thereupon the duties and liabilities now attached to the office shall devolve upon the sheriff.

TOWNSHIPS MAY BE ALTERED AND CREATED.

SEC. 3. The townships heretofore created or hereafter established shall be distinguished by well-defined boundaries, and may be altered, and additional townships created by the board of county commissioners, but

no township shall have or exercise any corporate powers whatever, unless allowed by act of General Assembly, to be exercised under the supervision of the board of county commissioners.

JUSTICES OF THE PEACE.

SEC. 4. The justices of the peace shall be elected by the General Assembly. The General Assembly at its present session shall elect three justices of the peace for each township in the several counties of the State, who shall be divided into three classes, and hold their offices for the terms of two, four, and six years respectively, but the successors of each class, as its term expires, shall be elected by the General Assembly for the term of six years. In addition to the justices of the peace above provided for, there shall be elected by the General Assembly, for each township in which any city or incorporated town is situated, one justice of the peace, and also one for every thousand inhabitants in such city or town, who shall hold their office for the term of six years. The Secretary of State shall certify to the Clerks of the Superior Courts of the several counties in the State a list of all justices of the peace elected for their several counties, with the terms for which they shall have been appointed, and this shall be their commission, and the Clerk of the Superior Court shall notify said justices of their appointment, who shall thereupon be entitled to enter upon the duties of their office, upon taking before the said clerk the oath of office now prescribed by law for justices of the peace. But the terms of those elected at the present session of the General Assembly shall begin at the expiration of the terms for which the justices of the peace now in office have been elected, and not before.

GOVERNOR TO APPOINT.

When new townships shall be established, if the General Assembly shall not be in session, the Governor shall appoint the justices of the peace therein, and they shall hold their offices until the next meeting of the General Assembly, and until their successors shall be elected and qualified.

COMMISSIONERS—PROVISO.

SEC. 5. The justices of the peace for each county, on the first Monday in August, one thousand eight hundred and seventy-eight, and on the first Monday in August every two years thereafter, shall assemble at the court-house of their respective counties, and a majority being present, shall proceed to the election of not less than three nor more than five persons, to be chosen from the body of the county (including the justices of the peace), who shall be styled the board of commissioners for the county of ———, and shall hold their offices for two years from the date of their qualification, and until their successors shall be elected and qualified. But those elected on the first Monday in August, one thousand

eight hundred and seventy-eight, shall enter upon the duties of their office immediately upon the expiration of the term for which the board of county commissioners now in office have been elected, and not before. They shall be qualified by taking the oath of office before the Clerk of the Superior Court, or some judge or justice of the peace, as now prescribed by law, and the register of deeds shall be, *ex officio*, clerk of the board of commissioners. *Provided, however*, that the board of commissioners shall not have power to levy taxes, to purchase real property, to remove or designate new sites for county buildings, to construct or repair bridges, the cost whereof may exceed five hundred dollars, or to borrow money for the county, nor alter or make additional townships, without the concurrence of a majority of the justices of the peace sitting with them ; and for the purposes embraced in this proviso the justices of the peace of the county shall meet with the board of commissioners on the first Monday in August, one thousand eight hundred and seventy-eight, and annually thereafter, unless oftener convened by the board of commissioners, who are hereby empowered to call together the justices of the peace when necessary, not oftener than once in three months, but for such services the justices of the peace shall receive no compensation.

JURISDICTION OF COMMISSIONERS.

SEC. 6. The board of commissioners so elected shall have and exercise the jurisdiction and powers vested in the board of commissioners now existing, and also those vested in and exercised by the board of trustees of the several townships, except as may hereafter be prescribed by law ; and they shall hold their sessions as may be prescribed by law.

ABROGATED.

SEC. 7. All the provisions of article seven of the Constitution inconsistent with this Act, except those contained in sections seven, nine, and thirteen, are hereby abrogated, and the provisions of this Act substituted in their place. *Subject, however*, to the power of the General Assembly to alter, amend, or abrogate the provisions of this Act, and to substitute others in their stead, as provided for in section fourteen of article seven of the Constitution.

SEC. 8. This Act shall take effect from and after its ratification.

Ratified the 27th day of February, A.D. 1877.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

CORPORATIONS UNDER GENERAL LAWS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases

where, in the judgment of the Legislature, the object of the corporations cannot be attained under general laws. All general laws and special acts, passed pursuant to this section, may be altered from time to time, or repealed.

DEBTS OF CORPORATIONS—HOW SECURED.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means, as may be prescribed by law.

WHAT CORPORATIONS SHALL INCLUDE.

SEC. 3. The term corporation, as used in this Article, shall be construed to include all associations and joint-stock companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued in all courts, in like cases as natural persons.

LEGISLATURE TO PROVIDE FOR ORGANIZING CITIES, TOWNS, ETC.

SEC. 4. It shall be the duty of the Legislature to provide for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

ARTICLE IX.

EDUCATION.

EDUCATION SHALL BE ENCOURAGED.

SECTION 1. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

GENERAL ASSEMBLY SHALL PROVIDE FOR SCHOOLS—SEPARATION OF THE RACES.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise, for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of either race.

COUNTIES TO BE DIVIDED INTO DISTRICTS.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the commissioners of

any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment.

WHAT PROPERTY SHALL BE DEVOTED TO EDUCATIONAL PURPOSES.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, and other property, now belonging to any State fund for purposes of education; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts, or devises, that have been or hereafter may be made to the State, and not otherwise appropriated by the State, or by the term of the grant, gift, or devise, shall be paid into the State treasury; and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

COUNTY SCHOOL FUND—PROVISO.

SEC. 5. All moneys, stocks, bonds, and other property, belonging to a county school fund; also, the net proceeds from the sale of estrays; also, the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State. *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

THE UNIVERSITY—ELECTION OF TRUSTEES—MAINTENANCE.

SEC. 6. The General Assembly shall have power to provide for the election of Trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises, and endowments thereof, in anywise granted to or conferred upon the Trustees of said University; and the General Assembly may make such provisions, laws, and regulations from time to time, as may be necessary and expedient for the maintenance and management of said University.

BENEFITS OF THE UNIVERSITY.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

BOARD OF EDUCATION.

SEC. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction and Attorney-General, shall constitute a State Board of Education.

PRESIDENT AND SECRETARY.

SEC. 9. The Governor shall be President, and the Superintendent of Public Instruction shall be Secretary of the Board of Education.

POWER OF BOARD.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules, and regulations of said Board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed, they shall not be re-enacted by the Board.

FIRST SESSION OF BOARD.

SEC. 11. The first session of the Board of Education shall be held at the capital of the State, within fifteen days after the organization of the State government under this Constitution; the time of future meetings may be determined by the Board.

QUORUM.

SEC. 12. A majority of the Board shall constitute a quorum for the transaction of business.

EXPENSES.

SEC. 13. The contingent expenses of the Board shall be provided by the General Assembly.

AGRICULTURAL DEPARTMENT.

SEC. 14. As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a department of Agriculture, of Mechanics, of Mining, and of Normal Instruction.

CHILDREN MUST ATTEND SCHOOL.

SEC. 15. The General Assembly is hereby empowered to enact that every child, of sufficient mental and physical ability, shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

EXEMPTION.

SECTION 1. The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be, and is hereby exempted from sale under execution, or other final process of any court, issued for the collection of any debt.

HOMESTEAD.

SEC. 2. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town, or village, with the dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution, or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises.

HOMESTEAD EXEMPTED FROM DEBT.

SEC. 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children or any one of them.

LABORER'S LIEN.

SEC. 4. The provisions of sections one and two of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

BENEFIT OF WIDOW.

SEC. 5. If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

PROPERTY OF A MARRIED FEMALE SECURED TO HER.

SEC. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

HUSBAND MAY INSURE HIS LIFE FOR WIFE AND CHILDREN.

SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband, the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband, or any of his creditors.

HOW DEED FOR HOMESTEAD MAY BE MADE.

SEC. 8. Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed ; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

ARTICLE XI.**PUNISHMENTS, PENAL INSTITUTIONS, AND PUBLIC CHARITIES.****PUNISHMENTS—CONVICT LABOR—PROVISO.**

SECTION 1. The following punishments only shall be known to the laws of this State, viz., death, imprisonment, with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works, or highways, or other labor for public benefit, and the farming out thereof, where, and in such manner as may be provided by law ; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson. *Provided*, that no convict whose labor may be farmed out, shall be punished for any failure of duty as a laborer, except by a responsible officer of the State, but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board or some officer of this State.

DEATH PUNISHMENT.

SEC. 2. The object of punishments being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

PENITENTIARY.

SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or Penitentiary, at some central and accessible point within the State.

HOUSES OF CORRECTION.

SEC. 4. The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

HOUSES OF REFUGE.

SEC. 5. A House, or Houses of Refuge may be established whenever the public interest may require it, for the correction and instruction of other classes of offenders.

THE SEXES TO BE SEPARATED.

SEC. 6. It shall be required by competent legislation, that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

PROVISION FOR THE POOR AND ORPHANS.

SEC. 7. Beneficent provision for the poor, the unfortunate, and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

ORPHAN HOUSES.

SEC. 8. There shall also, as soon as practicable, be measures devised by the State, for the establishment of one or more Orphan Houses, where destitute orphans may be cared for, educated, and taught some business or trade.

INEBRIATES AND IDIOTS.

SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

DEAF MUTES, BLIND, AND INSANE.

SEC. 10. The General Assembly may provide that the indigent deaf mutes, blind, and insane of the State shall be cared for at the charge of the State.

SELF-SUPPORTING.

SEC. 11. It shall be steadily kept in view by the Legislature, and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII.

MILITIA.

WHO ARE LIABLE TO MILITIA DUTY.

SECTION 1. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia. *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

ORGANIZING, ETC.

SEC. 2. The General Assembly shall provide for the organizing, arming, equipping, and discipline of the militia, and for paying the same, when called into active service.

GOVERNOR SHALL BE COMMANDER-IN-CHIEF.

SEC. 3. The Governor shall be Commander-in-Chief, and shall have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion.

EXEMPTIONS.

SEC. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII.

AMENDMENTS.

CONVENTION—HOW CALLED.

SECTION 1. No Convention of the people of this State shall ever be called by the General Assembly, unless by concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said Convention, it shall assemble on such day as may be prescribed by the General Assembly.

HOW THE CONSTITUTION MAY BE ALTERED.

SEC. 2. No part of the Constitution of this State shall be altered, unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV.

MISCELLANEOUS.

INDICTMENTS.

SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offence committed before this Constitution takes effect, may be proceeded upon in the proper Courts, but no punishment shall be inflicted which is forbidden by this Constitution.

PENALTY FOR FIGHTING A DUEL.

SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

DRAWING MONEY.

SEC. 3. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

MECHANICS' LIEN.

SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

GOVERNOR TO MAKE APPOINTMENTS.

SEC. 5. In the absence of any contrary provision, all officers of the State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

SEAT OF GOVERNMENT.

SEC. 6. The seat of government in this State shall remain at the City of Raleigh.

HOLDING OFFICE.

SEC. 7. No person, who shall hold any office or place of trust or profit under the United States or any department thereof, or under this State, or under any other State, or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly. *Provided*, that nothing herein contained shall extend to officers in the militia, Justices of the Peace, Commissioners of Public Charities, or commissioners for special purposes.

INTERMARRIAGE OF WHITES AND NEGROES PROHIBITED.

SEC. 8. All marriages between a white person and a negro, or between a white person and a person of negro descent, to the third generation inclusive, are hereby forever prohibited.

DERIVATION AND EXPLANATION OF TERMS.

Appointee. A person who is appointed to any place or office.

Constituents. (Latin *con*, together, and *statuere*, to place, to set.) The persons who elect a representative. The voters of a congressional district are the constituents of the congressman elected for the district.

Duel. (Latin *duo*, two.) A fight with arms between two persons. A duel is usually arranged by challenge. Duelling was at one time not uncommon in England and the United States. It is now prohibited by law in both countries.

Escheat. (French *echoir*, to fall to the lot of.) When the owner of property dies, and there is no heir, the property escheats; that is, falls to the lot of, or becomes the property of, the State or government.

Estray. A tame animal of value found wandering, or *straying*, without an owner.

Flee from justice. To leave a country in order to escape punishment for crime. A person who does this is called a *fugitive from justice*.

Preamble. (Latin *pre*, before, and *ambulare*, to walk, to go.) The introductory portion or paragraph of a constitution, or law, in which the intent or object of it is briefly stated. The part which *goes before* the main body of the document.

Secret Political Societies are political societies whose meetings are held, and whose business is transacted, in secret, and whose members are bound by pledge or oath of secrecy. The Constitution of North Carolina declares such societies "dangerous to the liberties of a free people."

Writ of Election. A writ or order directing or requiring an election to be held.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA.*

WE, the people of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.—THE LEGISLATIVE DEPARTMENT.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers,† which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three-fifths of all other Persons.‡ The actual Enumeration shall be made within three Years after

* This is an exact copy of the original in punctuation, spelling, and capitals.

† Under the census of 1890 one representative is allowed for every 173,900 persons.

‡ "Other persons" refers to slaves. See Amendments, Art. XIV., Sections 1 and 2,

the first meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative ; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other officers ; * and shall have the sole power of Impeachment.

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years ; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third class at the Expiration of the sixth Year, so that one-third may be chosen every second year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President, pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside :

* The principal of these are the clerk, sergeant-at-arms, door-keeper, and postmaster.

And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of Honour, Trust or Profit under the United States : but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof ; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two-thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy ; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one-fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representatives shall receive a Compensation* for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same ; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

* The present compensation is \$5,000 a year, and an allowance of 20 cents for every mile of travel to and from the national capital.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time ; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION 7. All Bills for raising Revenue shall originate in the House of Representatives ; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States ; If he approve he shall sign it, but if not he shall return it, with his Objections to the House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House it shall become a Law. But in all such Cases the Votes of Both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States ; and before the same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION 8. The Congress shall have Power :

To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States ; but all Duties, Imposts and Excises shall be uniform throughout the United States ;

To borrow Money on the credit of the United States ;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes ;

To establish an uniform Rule of Naturalization,* and uniform Laws on the subject of Bankruptcies throughout the United States ;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures ;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States ;

To establish Post Offices and post Roads ;

To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right † to their respective Writings and Discoveries ;

To constitute Tribunals inferior to the supreme Court ;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations ;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water ;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years ;

To provide and maintain a Navy ;

To make Rules for the Government and Regulation of the land and naval Forces ;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions ;

To provide for organizing, arming, and disciplining, the Militia, and for governing such part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress ;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings ;—And

To make all Laws which shall be necessary and proper for carrying

* The Naturalization laws require a foreigner to be in the country five years before he is entitled to citizenship.

† An Author obtains a copyright by application to the Librarian of Congress, and it is secured for twenty-eight years.

An Inventor secures a patent from the Patent Office, at Washington, for a certain number of years, prescribed by the Commissioner of Patents.

into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or

engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

ARTICLE II.—THE EXECUTIVE DEPARTMENT.

SECTION 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

* The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a Quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

* This clause has been superseded by the 12th Amendment.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may hap-

pen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.—THE JUDICIAL DEPARTMENT.

SECTION 1. The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good behaviour, and shall, at stated times, receive for their Services, a Compensation which shall not be diminished during their continuance in Office.

SECTION 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State,

the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION 3. Treason against the United States shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV.—MISCELLANEOUS.

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION 3. New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the Jurisdiction of any other State ; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States ; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of

them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V.—POWER OF AMENDMENT.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress ; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article ; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI.—MISCELLANEOUS.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof ; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme Law of the Land ; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States, and of the several States, shall be bound by Oath or Affirmation, to support this Constitution ; but no religious Test shall ever be required as a qualification to any Office or public Trust under the United States.

ARTICLE VII.—RATIFICATION OF THE CONSTITUTION.

The Ratification of the Conventions of Nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the same.

DONE in Convention by the Unanimous Consent of the States present
the Seventeenth Day of September in the Year of our Lord one

thousand seven hundred and Eighty-seven and of the Independence of the United States of America the Twelfth. **In Witness** whereof We have hereunto subscribed our Names,

G^o WASHINGTON—

Presidt and deputy from Virginia.

NEW HAMPSHIRE.

John Langdon
Nicholas Gilman

MASSACHUSETTS.

Nathaniel Gorham
Rufus King
Gouv Morris

CONNECTICUT.

Wm Saml Johnson
Roger Sherman
James Madison, Jr

NEW YORK.

Alexander Hamilton

DELAWARE.

Geo Read
John Dickinson
Jaco Broom
Gunning Bedford, Jun^r
Richard Bassett

NORTH CAROLINA.

Wm Blount
Hu Williamson
Richard Dobbs Spaight

NEW JERSEY.

Wil Livingston
Wm Paterson
David Brerley
Jona Dayton

SOUTH CAROLINA.

J Rutledge
Charles Pinckney
Charles Cotesworth Pinckney
Pierce Butler

PENNSYLVANIA.

B Franklin
Robt Morris
Tho Fitzsimons
James Wilson
Thomas Mifflin
Geo Clymer
Jared Ingersoll

MARYLAND.

James M^rHenry
Danl Carrol
Dan of St Thos Jenifer

GEORGIA.

William Few
Abr Baldwin

VIRGINIA.

John Blair

Attest :

WILLIAM JACKSON, *Secretary.*

The Constitution having been reported to Congress on the 17th September, 1787, was "submitted to a Convention of Delegates chosen in each State by the people thereof," and was ratified by the Conventions of the several States as follows :

By Delaware,	on the 7th December, 1787.
Pennsylvania,	on the 12th December, 1787.
New Jersey,	on the 18th December, 1787.
Georgia,	on the 2d January, 1788.
Connecticut,	on the 9th January, 1788.
Massachusetts,	on the 6th February, 1788.
Maryland,	on the 28th April, 1788.
South Carolina,	on the 23d May, 1788.
New Hampshire,	on the 21st June, 1788.
Virginia,	on the 26th June, 1788.
New York,	on the 26th July, 1788.
North Carolina,	on the 21st November, 1789.
Rhode Island,	on the 29th May, 1790.

AMENDMENTS TO
THE CONSTITUTION OF THE UNITED STATES.

Proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

(ARTICLE I.)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

(ARTICLE II.)

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

(ARTICLE III.)

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

(ARTICLE IV.)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the person or things to be seized.

(ARTICLE V.)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ;

nor shall private property be taken for public use, without just compensation.

(ARTICLE VI.)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have Compulsory process for obtaining Witnesses in his favour, and to have the Assistance of Counsel for his defence.

(ARTICLE VII.)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

(ARTICLE VIII.)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(ARTICLE IX.)

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

(ARTICLE X.)*

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

(ARTICLE XI.)†

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one

* The first ten amendments were proposed at the first session of the first Congress (1789), and declared adopted in 1791.

† The eleventh amendment was proposed at the first session of the third Congress (1794), and declared adopted in 1798.

of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

(ARTICLE XII.)*

The Electors shall meet in their respective states, and vote by ballot for President and Vice President, one of whom at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transfer sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

* This article is substituted for Clause 3, Sec. I., Art. II., page 317, and annuls it. It was declared adopted in 1804.

(ARTICLE XIII.)*

SECTION I.—Neither slavery nor involuntary servitude, except as punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION II.—Congress shall have power to enforce this article by appropriate legislation.

(ARTICLE XIV.)†

SECTION I.—All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny any person within its jurisdiction the equal protection of the laws.

SECTION II.—Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the Legislature thereof, is denied to any of the male inhabitants of such state, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SECTION III.—No person shall be a Senator or Representative in Congress, or elector for President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state Legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same

* The thirteenth amendment was proposed at the second session of the thirty-eighth Congress (1865), and declared adopted in 1865.

† The fourteenth amendment was first proposed at the first session of the thirty-ninth Congress, 1866, and declared adopted in 1868.

or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SECTION IV.—The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION V.—The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

(ARTICLE XV.)*

SECTION I.—The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SECTION II.—The Congress shall have power to enforce this article by appropriate legislation.

DERIVATION AND EXPLANATION OF TERMS.

Appellate jurisdiction is jurisdiction or power of a court to hear and determine cases *appealed* to it from another court.

Original jurisdiction is jurisdiction to hear and determine cases that have not been tried in another court. The Supreme Court of the United States has original jurisdiction in some cases, but in many it has only appellate jurisdiction. (See Constitution of United States, Article III., Sec. 2.)

Bear arms. To bear arms is to

have or carry arms. Under the United States Constitution every citizen has the right to bear arms, but in some States the law prohibits carrying "concealed weapons." Where this law is in force a person may carry a revolver in his hand, or a gun on his shoulder, exposed to view; but he must not carry a revolver or dagger in his pocket, or otherwise concealed. The object of the prohibition is that people may know whether a person is armed or not, and, therefore, if neces-

* The fifteenth amendment was proposed at the second session of the fortieth Congress, in 1869, and declared adopted in 1870.

sary, take precautions against danger to life.

Clear. “*To clear a ship at the custom-house*, to exhibit the documents required by law, give bonds, or perform other acts requisite, and procure a permission to sail, and such papers as the law requires.”—*Webster*.

Domestic Violence. (Latin *domus*, a house.) Violence among the citizens of a country, such as rioting ; an armed attack by citizens on the officers of their own government.

Establishment of Religion. In some countries a certain religion is established by law ; that is, it is recognized by law as the religion of the country, and its ministers are paid out of public funds. The Constitution of the United States forbids the establishment of a religion.

Overt Act. (Old French *ouvrir*, to open.) “In criminal law an overt act is an *open* act done in pursuance of a criminal design, the mere design or intent [intention] not being punishable without such act.”—*Webster*.

Privilege from Arrest. (*Privilege*. Latin *privus*, private, and *lex*, a law.) A rule or law for the benefit of some particular (*private*) person or persons. Members of Congress (Senators or Congressmen) must not be arrested while in attendance in Congress, or going to or return-

ing from a session of Congress, except for treason, felony, or breach of the peace. This is “privilege from arrest.”

Questioned in any other place.

The Constitution of the United States provides that members of Congress shall not be questioned in any other place for what they may say in Congress ; that is, that they cannot be tried in a court of law for words spoken in Congress. If a person prints anything in a newspaper, or says anything at a public meeting, which is injurious to somebody's reputation, he may be punished by law ; but a member of Congress speaking at a session of Congress is privileged to speak freely, without fear of being called to account elsewhere.

Religious Test. By this phrase is usually understood the qualification that a person must belong to a particular religion. In some countries such qualification is required for the holding of public office. The Constitution of the United States prescribes that “no religious test shall ever be required as a qualification to any office or public trust under the United States.” This means that no person must be excluded from public office under the United States because of any views he may hold on the subject of religion.

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